

Letter RO-6 – Endangered Habitats League

- RO-6-1** The comment provides introductory statements regarding Endangered Habitats League (EHL). The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-2** The comment refers to the comment letter submitted by EHL on the 2015 DEIR during the 2015 public review period, which identified “a series of deficiencies in the DEIR.” The commenter states that this (2019) letter provides comments on the two recirculated chapters and technical appendices for Alternative H, and also “identifies additional deficiencies in the prior DEIR.” In response, please see Response to Comment Letter O-6 for responses to comments submitted during the 2015 public review period. Also, as stated in the Recirculation Reader’s Guide, released with the 2019 Recirculation Package, public comments should be limited to only the portions of the DEIR that have changed and are included as part of the recirculation.
- RO-6-3** The comment provides an overview of topics discussed in their comment letter and concludes that the 2015 DEIR and 2019 Recirculation Package violate CEQA. The commenter provides general subject areas that they feel are inadequate; however, specific examples are not provided here. Therefore, no further response is provided; however, responses are provided below for specific issues raised throughout the comment letter.
- RO-6-4** The commenter states that the environmental review document fails to fully and accurately inform decision makers, and the public, of the environmental consequences and does not satisfy the basic goals of either statute. In addition, the commenter states the DEIR has numerous and serious inadequacies; however, no examples of those inadequacies are provided. The commenter further states the County “must again revise and recirculate the DEIR,” but does not specify what those revisions would entail. Since no specific examples are provided regarding inadequacies or revisions, no further response is provided.
- RO-6-5** The comment states the proposed Project demonstrates a disregard for creating housing stock for lower income households and that the proposed Project provides no affordable housing. The comment further states approval of the proposed Project would conflict with the County General Plan and that the General Plan itself is legally inadequate. In response, the proposed Project’s consistency with the County General Plan is analyzed in Section 3.3.5 in the 2015 DEIR. The 2015 DEIR found that the proposed Project (and its alternatives) would not conflict with any applicable land use plan, policy, guideline, or regulation. Related to SB 1000, this is a comment on the County’s General Plan and not the environmental analysis for the proposed Project or Alternative H; therefore, no further response is required.
- RO-6-6** The comment states the DEIR’s analysis of and mitigation for the impacts of the proposed Project are inadequate. This comment also provides statements about the purpose of CEQA established by case law. In response, this comment does not raise a specific issue regarding the adequacy of the environmental analysis; it provides an introduction to following comments.
- RO-6-7** The comment states that the biological resources impact analysis for Alternative H fails to determine exactly the extent and severity of significant impacts. The comment then states that

nowhere is the environmental impact of “destroying the K6 vernal pools” described. The comment further states that the document fails to explain the actual and specific consequences of developing Alternative H to sensitive wildlife species, and that no information on how populations will be impacted is provided. The impact to vernal pools on the K6 mesa is stated on page 14 of Section 2 of the SEIR. There is no hard boundary on the K6 mesa so the impacts within that named location cannot be identified. However, the impacts overall in the proposed development are reported. Because there are vernal pools on the mesa, the acreage of the pools is reported. Figure 3 of the Biological Resources Technical Report Supplemental Analysis (Appendix D-3) identifies the location of the mesa but, again, there is not a defined boundary within which acreage can be quantified. Much of the mesa is grassland and the vernal pools are illustrated. Quantifying impacts based on the property is the standard for addressing impacts. In response to the comment regarding how the special-status species in Table 8 of the Biological Resources Technical Report Supplemental Analysis (Appendix D-3) are impacted, the assumption with any development project is that the species will no longer be present within the development footprint. While the special-status species may not be directly killed, their habitat will no longer be present and thus they will no longer live within the development boundary. The populations will be affected by loss of habitat; where there were documented locations, that number is reported. In other cases, the species may not have been observed; thus it is assumed to be impacted if its habitat is impacted. Mitigation is typically provided based on acres of habitat, which is standard for the MSCP.

RO-6-8 The comment states the 2019 Recirculation Package fails to adequately describe the proposed Project’s biological resources on the Project site. Specific examples are not provided here. Therefore, no further response is provided; however, responses are provided below for specific biological resource issues raised throughout the comment letter.

RO-6-9 The comment refers to a report prepared by Hamilton Biological, which is included as an exhibit to the comment letters. The comment states the 2019 Recirculation Package fails to discuss the importance of the Quino checkerspot butterfly critical habitat to the survival and recovery of this species. In response, the 2019 Recirculation Package has provided the acres of existing critical habitat onsite and quantifies the impact of Alternative H to critical habitat (Table 8 of the Biological Resources Technical Report Supplemental Analysis [2019]). A determination of “destruction or adverse modification” of designated critical habitat, as defined under the federal Endangered Species Act, is made by the USFWS in their Biological Opinions for Section 7 consultations. As such, it is a determination under federal law, not CEQA. Thus, it is not included in the SEIR.

RO-6-10 The comment states the 2019 Recirculation Package fails to adequately identify occupied Quino checkerspot butterfly habitat. The comment further states that, based on USFWS delineation of occupied habitat, all suitable habitat on the Project site constitutes occupied habitat. In response, the County concurs that all suitable habitat of the Quino checkerspot butterfly constitutes occupied habitat. The DEIR explains that regardless of whether butterflies were observed, due to the proximity of an observation, all suitable habitat was considered occupied and included in the requirement for mitigation. Using the description “potential” in no way lessens the value or

importance of the habitat for Quino checkerspot butterfly but merely accurately describes the factual description of the observations during the numerous surveys.

RO-6-11 The comment states the 2019 Recirculation Package’s approach to evaluating Quino checkerspot butterfly impacts is invalid. The comment states that the Otay Ranch GDP/SRP Programmatic EIR (PEIR) contains explicit mitigation requirements for impacts to Quino checkerspot butterfly and requires 100 percent of occupied habitat to be preserved. In response, the County acknowledge that the language regarding 100 percent preservation is included in the Otay Ranch GDP/SRP. However the Otay Ranch GDP/SRP also states that the criteria for Quino checkerspot butterfly could be approved to HCP/MSCP standards. Additionally, the applicant must receive take authorization for impacts to the species which is included as a mitigation measure (M-BI-9a). Provided this meets agency approval, the mitigation outlined in the SEIR is consistent with the PEIR because it would be consistent with the take authorization.

The County had interpreted the preservation criteria to refer to the populations at the time of the approval of the Otay Ranch GDP/SRP (1993). Regardless, the intention of the County is to include preserve areas as mitigation, provide mitigation for indirect impacts, and include management, monitoring, and restoration as outlined in the required Quino Checkerspot Management/Enhancement Plan. The County has been working with the Wildlife Agencies related to a regional Quino checkerspot butterfly strategy and conservation thresholds, regardless of the type of permit that is ultimately issued for the take of the species to attain the requirements of the MSCP or an HCP. The proposed Project would comply with the mitigation measures of the Otay Ranch GDP/SRP.

RO-6-12 The comment states that CEQA forbids deleting or modifying previously adopted mitigation measures without showing it is infeasible, and therefore the 2019 Recirculation Package’s proposed approach is illegal. The comment references various case law and concludes the 2019 Recirculation Package makes no attempt to demonstrate why it would be infeasible to preserve the occupied Quino checkerspot butterfly habitat. The 2019 Recirculation Package includes a table of the compliance of Alternative H with the 1993 Otay Ranch GDP/SRP Program EIR (Appendix D-24). The required measure for Quino checkerspot butterfly is that “One hundred percent (or approved HCP/MSCP standards) of occupied habitat for this species shall be preserved.” In response, the County adds that the Otay Ranch GDP/SRP also states that in the alternative, avoidance could be approved to HCP/MSCP standards. Additionally, the applicant must receive take authorization for impacts to the species which is included as a mitigation measure (M-BI-9a). Provided this meets agency approval, the mitigation is consistent with the PEIR because it would be consistent with the take authorization.

This measure is applicable to Alternative H and the alternative complies through project-level mitigation. The discussion for this species is as follows: “Preservation for this species will follow resource agency recommendations per take permit in accordance with Section 7, Section 10, or the Quino Checkerspot Butterfly Addition.” Thus, the mitigation for the Quino checkerspot butterfly will comply with the Program EIR by mitigating in accordance with an approved HCP/MSCP standards as directed during the Section 7 process. For additional information, refer

to Biological Resources Technical Report Supplemental Analysis for Alternative H (Appendix D-3).

RO-6-13 The comment states the 2019 Recirculation Package’s mitigation for impacts to Quino checkerspot butterfly is deficient. The comment refers to various case law and states the lead agency must adopt all feasible mitigation measures that can substantially lessen the proposed Project’s significant impacts. In response, as presented in Chapter 4.0 of the 2019 Recirculation Package, the mitigation measures include the proposed preserve and Conserved Open Space areas for a total of 1,177 acres for the direct impacts to occupied habitat as required by mitigation measures M-BI-1a and M-BI-17. The Preserve design includes areas where Quino checkerspot butterfly has been observed during multiple surveys and areas adjacent to other suitable and likely occupied habitat where there are well-documented features included such as nectar source, ridgelines, hilltops and host plant populations. There will be management of the preserve by the POM, the management of the Conserved Open Space by either the POM or other qualified manager, and the implementation of the Quino Checkerspot Butterfly Management/Enhancement Plan. The Plan will include survey methods, monitoring, contingency, and adaptive management. The Plan will be reviewed and approved by the County and Wildlife Agencies prior to the implementation of the proposed Project. Mitigation measure M-BI-9a addresses the required take authorization for the impacts on Quino checkerspot butterfly. Mitigation measure M-BI-9b requires the preparation of a Quino Checkerspot Butterfly Management/Enhancement Plan that supplements the tasks required of the POM and includes developing a survey methodology, outlines the requirements for the restoration and enhancement, and includes adaptive management strategies and well as draft costs for the management.

The QCB Management/Enhancement Plan, including the performance criteria set forth below, was prepared to comply with and further the recovery goals described in the Quino Checkerspot Butterfly Recovery Plan (2003) and 5-Year Review (2009) issued by the United States Fish and Wildlife Service. The QCB Management Plan may be superseded or rendered unnecessary upon completion and adoption of the County of San Diego Quino Checkerspot Butterfly MSCP Addition.

The plan will include recovery measures with performance standards that may include but are not limited to:

- Annual restoration and enhancement of 15 acres per year with quantitative and qualitative requirements that outline the percent native cover, percent survival, and percent nonnative cover as well as reviewing the health and vigor of the host plants;
- Quantifiable adaptive management triggers that rely on yearly as needed population monitoring and statistical changes in the population size to then require restoration as noted above;
- Reintroduction of the species and continued restoration of unoccupied areas when population declines are not noted;
- Establishment of a permanent funding mechanism to work in concert with the funding requirements of Preserve lands conveyed to the POM.

- Monitoring and management requirements to ensure the project results in no change in hydrological conditions, including moisture gradients, that would adversely affect Quino checkerspot butterfly habitat in the Preserve.
- Monitoring and management of all plantings to ensure no non-native insects are introduced into the Preserve where they might adversely affect Quino checkerspot butterfly habitat.

More specifically, the following are goals that are contained within the Quino Checkerspot Butterfly Management/Enhancement Plan:

- Maintain the existing quality and quantity of occupied and unoccupied Quino checkerspot butterfly habitats.
- Enhance additional vegetation communities suitable for Quino checkerspot butterfly occupancy through habitat restoration.
- These goals include the following quantitative performance standards:

Year	% Native Plant Cover			% Maximum Non-native Plant Cover	% Container Plant Survival
	<i>Coastal Sage Scrub</i>	<i>Chaparral</i>	<i>Grassland</i>	<i>All Restoration Areas</i>	<i>All Restoration Areas</i>
Year 1	20	10	30	10	95
Year 2	40	20	50	10	90
Year 3	55	40	60	10	85
Year 4	70	60	70	5	85
Year 5	80	70	80	5	85

- Maintain viable populations of Quino checkerspot butterfly on site which will in turn expand viable and interconnected Quino local subpopulations and ultimately restore and establish connections between regional Quino populations. Preserve suitable habitat and known locations of Quino checkerspot butterfly on site
- Maintain connectivity along key habitat linkages within the property
- Minimize project impacts to Quino checkerspot butterfly and their suitable habitat.
- Fund the management of the Preserve for the benefit of the Quino checkerspot butterfly (along with other special status species and sensitive habitats)
- Restore/enhance Quino checkerspot butterfly habitat where necessary; and
- Monitor areas currently occupied by butterflies or that are occupied by host plant and nectar sources.

In addition to the goals outlined above, the following are triggers determined from the monitoring of the population that also provide a performance standard:

Trigger 1: Significant Declining Occupancy Trend. A logistic regression of the presence-absence data over a six year period will be analyzed. The analysis should be performed across the Resort Village Preserve. If statistically fewer sites are occupied than in the past, then the distribution of the

sites should be considered to determine whether dispersal, habitat quality, or weather conditions are likely to be explanatory. These can be investigated by using appropriate dependent variables to test each explanation (e.g., distance to nearest patch, vegetation variables, and rainfall). If declines are uniform across the Resort Village Preserve, and can be attributable to low rainfall, then no action is triggered. If vegetation variables are explanatory, then active management actions will occur where Quino checkerspot butterfly have been extirpated. If dispersal seems to be the key, (i.e., sites with extirpation are statistically more distant from other sites), then analyze using Trigger 2.

Trigger 2: Site Extirpation. If a site has experienced a population extirpation without butterflies returning for three years during which the population size at sentinel sites was equal to or greater than the mean population size (e.g., three “good” years), then one of two actions will be considered for the site:

- If the percent cover of larval host plants and nectar sources at the site have diminished since the site was last occupied, then the Active Management Program will focus on restoration at the site.
- If habitat quality does not appear to be the cause of extirpation, then the POM will initiate other actions, such as performing additional research studies or reintroducing the species through translocation of wild or captive stock, in coordination with the Wildlife Agencies.

Trigger 3: Stability in Occupied Sites. When occupancy remains constant through time (i.e., three sampling periods or longer), this shows that populations appear stable. In this situation, the Active Management Program will focus on restoration or creation of Quino checkerspot butterfly habitat in unoccupied areas. In this manner, available resources will be directed to creation of new habitat only when declines in existing habitat have been addressed.

The Plan is required to be reviewed and approved by the County and Wildlife Agencies prior to approval and thus some revisions can be anticipated. The indirect impacts are addressed with mitigation measures and the preparation of an Edge Plan. The Preserve Edge Plan was required by the Otay Ranch GDP/SRP and included as a mitigation measure in the PEIR for the Otay Ranch GDP/SRP. Moreover, implementation of components of the Preserve Edge Plan is a required element of several mitigation measures designed to avoid and minimize adverse edge effects, including DEIR mitigation measures M-BI-1f (Fencing and Signage), M-BI-13 (Stormwater Pollution Prevention Plan), M-BI-14 (cover of stockpiles, no toxic chemicals, no invasive plant species, no drainage into the preserve, slope stabilization is implemented, noise is minimized, and no lighting of the preserve is allowed).

RO-6-14 The comment refers to mitigation measure M-BI-9a regarding take authorization, and states that the Endangered Species Act Section 7 or 10 consultation should have been conducted prior to release of the DEIR or 2019 Recirculation Package. The comment also states a Habitat Conservation Plan, required under Section 10, should have been included in the 2019 Recirculation Package. In response, neither the federal Endangered Species Act nor CEQA requires that consultation under Section 7 or 10 occur prior to release of the Draft EIR. In fact, it would be impractical to sequence the two processes in this way, since the Section 7 (or Section

10) consultation requires that the project in question be relatively fixed in terms of its configuration and impacts. Such certainty is not possible at the Draft EIR stage of the CEQA process, and it would be legally prejudicial for the ESA consultation process to assume the lead agency (here, the County) will approve the proposed project without modification or approve it all. It would also assume that the County would not consider the alternatives discussed in the Draft EIR, which would be a violation of CEQA. In this case, the project applicant will be seeking federal wetlands permits from the U.S. Army Corps of Engineers (Army Corps), a process which, under Section 7 (or 10), requires the Army Corps to consult with U.S. Fish and Wildlife Service (USFWS) regarding the proposed project's impacts on listed species and designated critical habitat. At the end of that process, USFWS will prepare a Biological Opinion regarding those impacts and whether they would result in jeopardy to any listed species. The Biological Opinion will also identify reasonable and prudent measures that must be implemented in order to avoid such jeopardy. The Army Corps must then include those measures as conditions of approval in any permit the Army Corps issues to the project applicant. As shown, this entire consultation process takes place under federal law and not under CEQA. The only connection is that CEQA requires the applicant to comply with whatever conditions the federal agencies impose as part of the incidental take authorization secured under Section 7 or 10. Here, the County has included that requirement among the biological mitigation measures for the project. The project applicant is currently preparing its application to the Army Corps for federal wetland permits. This process, however, cannot be completed until the CEQA document is certified. Thus, it is not included in the 2019 Recirculation Package.

RO-6-15 The comment states the 2019 Recirculation Package improperly presumes the outcome of the Section 7 or 10 consultation process will be preserving other Quino checkerspot butterfly habitat through a biological open space easement. The comment further states the U.S. Fish and Wildlife Service could require mitigation other than the easement. In response, the County disagrees that mitigation measure M-BI-9a presumes an outcome from the Section 7 or 10 consultation process. This mitigation measure states the following: "If the project receives take authorization through the federal Endangered Species Act (FESA) Section 7 or Section 10 processes, the Project applicants will comply with any and all conditions, including preconstruction surveys that the USFWS may require for take of QCB pursuant to FESA." However, the County understands that there may be revisions of the proposed Project or the mitigation during the permitting process, which could modify the mitigation requirements. Mitigation measure M-BI-9a does not presume any final decision of the consultation process but provides a conservation easement mechanism for what is proposed as part of Alternative H at this time.

RO-6-16 The comment states the 2019 Recirculation Package inappropriately defers the identification of mitigation. The comment refers to mitigation measure M-BI-9b, which requires the Project applicant to prepare a Quino Checkerspot Butterfly Management/Enhancement Plan. In response, a draft of the Management/Enhancement Plan has been included in the recirculated Biological Resources Technical Report Supplemental Analysis – Alternative H (Appendix D-3); please refer to Appendix C in the Supplemental Analysis as well as the response to RO-6-13. The draft plan includes success criteria for the restoration and triggers and actions for adaptive management actions. The Plan, including the costs, is required to be reviewed and approved by the County and Wildlife Agencies prior to approval and thus some revisions can be anticipated. Mitigation

measure M-BI-9b states the Management/Enhancement Plan must be approved by the County and the Wildlife Agencies.

RO-6-17 The comment states the 2019 Recirculation Package fails to identify performance standards for the Quino Checkerspot Butterfly Management/Enhancement Plan. The comment further states that Appendix C identifies some performance standards, but it does not appear that the criteria have been adopted by the 2019 Recirculation Package itself or whether standards could be changed in the future. In response, the Management/Enhancement Plan shall, at a minimum, include a survey methodology for onsite preserve areas pre- and post-construction to monitor effects on Quino checkerspot butterfly population health. In addition, Section 2.1.4 of Appendix C includes performance criteria for the restoration and enhancement for the improvement of the Quino checkerspot habitat within the preserve. This Management/Enhancement Plan will be submitted to, and be to the satisfaction of, both the Directors of Planning & Development Services, Parks & Recreation, USFWS, CDFW, and the POM. Thus, the Plan, as included in draft form in the 2019 Recirculation Package, will be reviewed and likely revised in accordance with more recent information and per the requirements of the reviewing entities. Currently, the plan includes success criteria for the restoration and triggers and actions for adaptive management actions. The Plan is required to be reviewed and approved by the County and Wildlife Agencies prior to approval and thus some revisions can be anticipated. The draft plan includes performance measures that may include but are not limited to restoration and enhancement requirements that outline the percent native cover, percent survival, and percent nonnative cover; quantifiable adaptive management triggers that rely on population monitoring and statistical changes in the population size to then require restoration as noted above or reintroduction of the species and continued restoration of unoccupied areas when population declines are not noted. Further, Chapter 4.0 of the 2019 Recirculation Package includes mitigation measure M-BI-9b, which requires the preparation of the Management/Enhancement Plan. Thus, the performance standards are included as part of the FEIR and will be required to be implemented.

RO-6-18 The comment states that there is no explanation of the connection between mitigation M-BI-17 and the proposed Project's impact on Quino checkerspot butterfly. In response, the DEIR, Section 2.3 describes that all of the impacts to suitable habitat are assumed occupied by the species and, similarly, all of the proposed RMP Preserve and Conserved Open Space areas are assumed occupied by the species. The RMP Preserve and the Conserved Open Space provide suitable preserve areas for the Quino checkerspot butterfly due to features such as suitable topography, soils, host plant, nectar sources, and documented observation of the species. Importantly, the conserved open space will be preserved on site and shall be (a) added to the Otay Ranch RMP Preserve, and conveyed to the POM, or (b) managed under a County of San Diego (County) approved site-specific Resource Management Plan (RMP) through a County biological open space easement. The conserved open space will be monitored in accordance with the RMP. Thus these areas provide additional Quino checkerspot butterfly occupied habitat.

RO-6-19 The comment discusses the lack of surveys for western spadefoot. The comment then states that without thorough surveys, there is no way of determining the severity or extent of the proposed Project's impacts on this species. There is no county or wildlife agency standard for conducting surveys for this species; thus there is no legal standard. In response, the fairy shrimp and vernal

pool inundations surveys were also timed appropriately to detect western spadefoot and observations were made of the species within the K8 vernal pools as shown in Figure 6 of Appendix D-3. Numerous surveys of the K6 vernal pool complex documented that the pools did not hold water even when other pools were documented to be inundated. The K8 vernal pools do become inundated and are suitable for breeding of western spadefoot, which was confirmed during surveys as noted above. These pools will be preserved in perpetuity and conveyed to the POM or managed in the long term under a site-specific resource management plan. The County Guidelines for Determining Significance for Biological Resources includes this language for determining significance for a Group II animal species which includes western spadefoot: “The project would impact the local long-term survival of a County List C or D plant species or a County Group II animal species.” Given the small area within which there is habitat that is suitable for the species (the K8 vernal pools) and the fact that the pools will be preserved, no impact is anticipated. Additionally, this analysis for Group II animal species is based on the following: “The term “local” in significance guidelines is defined by the boundaries of the County’s multiple species conservation plans. For species in southern San Diego county, “local” is the area covered by the South County Subarea Plan. . . . should be considered the “local” area used for analyzing impacts and significance.” Thus the analysis is based on the population within the South County Subarea Plan and not on an individual site.

RO-6-20 The comment states the preservation of 0.26-acre pool complex at the K-8 mesa would not address impacts to western spadefoot that would occur outside of the pool. In response, the Conserved Open Space area that includes the K8 mesa is a total of 12.5 acres, as well as any other areas within the Preserve that contain suitable spadefoot habitat, which includes the watershed of the vernal pools and a buffer. Thus, western spadefoot will have the basin for breeding as well as upland habitat for aestivating with a size of approximately 1,000 feet by 800 feet. There will be fencing and management of the area in perpetuity.

RO-6-21 The comment states the DEIR fails to adequately analyze or mitigate impacts to the golden eagle. The comment also states that the DEIR incorrectly concludes that direct impact to 556 acres of foraging habitat would be less than significant. Please see Global Response 2: Golden Eagle.

RO-6-22 The comment states the Draft EIR does not address the cumulative loss of habitat on the Cedar Canyon eagles. Please see Global Response 2: Golden Eagle.

RO-6-23 The comment states the 2019 Recirculation Package fails to avoid or adequately mitigate for impacts to vernal pools and San Diego fairy shrimp. The comment further states the significant impact to K6 pools could be avoided by redesigning the proposed Project, but Alternative H fails to take this approach. In response, the County MSCP Subarea Plan included the K6 vernal pools area within the development footprint, which was established in 1993. As discussed in Section 1 of Appendix D-3, multiple years of surveys indicate that the K6 pools no longer become inundated. These surveys for inundation and San Diego and Riverside fairy shrimp were conducted in 1999, 2000, 2003, 2007–2008, and 2014–2015. Regardless, Appendix D-3 discusses that impacts are considered significant, and mitigation is provided for the pools as well as the one pool within the K6 mesa that was determined to be occupied by San Diego fairy shrimp (measures M-BI-7 and M-BI-10).

RO-6-24 The comment states the EIR must explain how the proposed Project, including Alternative H, is consistent with the 1998 Recovery Plan for Vernal Pools of Southern California. It should be noted that recovery plans are guidance documents and do not dictate where or if impacts can occur in a certain area or where or if take authorization can be given in an area by the USFWS. In response, the 1998 Recovery Plan states “The goal of this plan is to conserve and enhance southern California vernal pool ecosystems, with specific emphasis on stabilizing and protecting existing populations of *Eryngium aristulatum* var. *parishii*, *Pogogyne abramsii*, *Pogogyne nudiuscula*, *Orcuttia californica*, and San Diego and Riverside fairy shrimp so that these species may be reclassified from endangered to threatened status. The goal of this plan for *Navarretia fossalis*, currently proposed for listing as threatened, is to ensure the long-term conservation of this species.” The criteria for recovery include the preservation of existing vernal pools that contain these species or have the requisite Stockpen soils (which are not present within the Project site) or are in particular locations that are identified in the Recovery Plan. The Recovery Plan refers to lists of pools that should be preserved in Tables 4 and 5 of the plan; however, the tables are not included in the plan itself. If it is assumed that the K6 Mesa vernal pools are listed in one of the tables, the criteria indicate that research tasks should be conducted to determine the viability and function of the pools and utility of the preservation. The requisite study of the Otay Ranch vernal pools was conducted and recommendations outlined in the report (Dudek & Associates 1992 “*Report on the Flora of the Otay Ranch Vernal Pools, 1990-1991*”). The K6 vernal pools, which would be impacted by Alternative H, were concluded as suitable to preserve for two reasons: (1) Presence of little mousetail and (2) Functioning mima mound topography. Since that publication, multiple surveys have been conducted of the K6 pools, and it has been concluded that little mousetail is no longer present and the pools no longer become inundated. Of the species included in the Recovery Plan, only the San Diego fairy shrimp is assumed present in one of the pools (based on dry season survey).

The Recovery Plan also describes the MSCP conservation and relationship with the MSCP. The K6 mesa was not included in the MSCP preserve boundary. The Recovery Plan notes that “All subarea plans within the MSCP will require conservation of vernal pool habitat to ensure no net loss of acreage and habitat functions and values and will require avoidance of impacts to vernal pools to the maximum extent practicable both inside and outside the preserve planning area. Impacts that cannot be avoided should be minimized and mitigated.” Alternative H provides for mitigation of the vernal pools within the onsite K8 mesa. Mitigation measure M-BI-7 outlines the requirement for the preparation of a vernal pool mitigation plan that will be prepared to the satisfaction of the County and USFWS. The draft plan is included in this EIR (see Appendix B to Appendix D-3) and will be revised based on comment from the County and USFWS and during the permitting process.

RO-6-25 The comment states the 2019 Recirculation Package lacks evidentiary support that Alternative H’s impacts on vernal pools and San Diego fairy shrimp would be mitigated to less than significant. The comment further states mitigation measure M-BI-7 gives two options for mitigation, both of which are inadequate. In response, the option of restoration has been documented to provide high quality and functional enhancement and creation of pools within suitable soils. Such success has been documented at Mission Trails Regional Park (<http://www.secal.org/the-latest/2017/9/30/active-and-passive-vernal-pool-restoration-processes-in-an-urban-park>), Cal Terraces (https://sdmmp.com/upload/SDMMP_Repository/0/

[p2yb0943vmkz6gjh18nsq5cdtwx7rf.pdf](https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=35458)), Manzanita Partners (<https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=35458>), and Sweetwater Reservoir (https://sdmmp.com/upload/SDMMP_Repository/0/p2yb0943vmkz6gjh18nsq5cdtwx7rf.pdf)—. As stated in the mitigation measure, the draft Conceptual Vernal Pool Mitigation Plan will outline the location and activities of the restoration, will provide for full no net loss of vernal pool acreage and watershed, and will enhance the existing pools. The Plan will be prepared to the satisfaction of the County and USFWS. In regard to the second option, if a qualified mitigation bank becomes available, the permitting agencies may consider that to be a preferable option since the mitigation is documented to be completed.

RO-6-26 The comment states the 2019 Recirculation Package provides no evidence that mitigation measure M-BI-7 would actually be effective. The comment also references a federal court case and then concludes the DEIR cannot rely on mitigation that USFWS has identified as futile. In response, in more recent years, a number of restoration activities have been documented to be successful within San Diego County, and the Wildlife Agencies have concurred as to the success of these restoration efforts. These efforts include locations such as Manzanita Partners in Carlsbad, Fry’s vernal pools in San Marcos, and Mission Trails Regional Park pools in San Diego. These examples resulted in functional pools that hold water, are occupied by special-status plants, and are occupied by San Diego fairy shrimp. The restoration plan for the K8 complex will be reviewed by the County, Wildlife Agencies, and wetland permitting agencies prior to approval.

RO-6-27 The comment states that mitigation measure M-BI-7 is inadequate because it improperly defers identification of mitigation until a later date. In response, while the performance criteria were not specifically outlined in Chapter 4.0 of the 2019 Recirculation Package itself, mitigation measure M-BI-7 specifically requires the preparation and implementation of the Conceptual Vernal Pool Mitigation Plan. Thus, the performance standards are included by reference (Section 6.1 of the Conceptual Vernal Pool Mitigation Plan) and will be required to be implemented as part of mitigation measure M-BI-7. Mitigation measure M-BI-7 states “The plan will be submitted to and be to the satisfaction of, both the Directors of Planning & Development Services, Parks and Recreation, and USFWS. A ratio of at least 1:1 restoration shall include the establishment of new vernal pool basins within the K8 vernal pool group.” Thus, the Plan, as attached and fully incorporated as a draft document in the 2019 Recirculation Package (see Appendix D-3), will be reviewed and likely revised in accordance with more recent information and per the requirements of the reviewing entities. Success criteria are included in the draft plan and, if needed to be more detailed or revised, will be included in the final Vernal Pool Mitigation Plan.

RO-6-28 The comment states Option 2 of mitigation measure B-1-7 is also inadequate. The comment further states the 2019 Recirculation Package fails to identify where mitigation bank pools would be located and what species currently exist in those pools. In response, mitigation banks are not and do not need to be identified at this time. Option 2 of mitigation measure M-BI-7 will be used based on the acceptability of the mitigation bank, if one exists, and will be fully vetted or approved during the permitting process. Currently, no mitigation bank is available within this mitigation service area; however, in the future there could be a suitable bank. The use of a bank for the proposed Project will be required to be fully reviewed by the permitting agencies.

RO-6-29 The comment states the 2019 Recirculation Package fails to identify adequate mitigation for impacts to San Diego fairy shrimp. In response, mitigation for impacts to the one pool that contained one cyst of a fairy shrimp assumed to be San Diego fairy shrimp will be implemented with the restoration of the pools in the K8 mesa and in accordance with the permitting for the take of the species. Mitigation measure M-BIO-10 states the following: “Prior to the issuance of the first grading permit that impacts the K6 vernal pool complex, the Project applicants shall demonstrate to the satisfaction of the Director of Planning and Development Services (or his/her designee) that the Project has secured take authorization of San Diego fairy shrimp through Section 7 Consultation, a Section 10 incidental take permit, or as may be incorporated into the provisions of the MSCP Subarea Plan Quino Checkerspot Butterfly Addition to achieve the best results toward the survival and recovery of the species.” Per the mitigation measure M-BI-9a, “If the project receives take authorization through the federal Endangered Species Act (FESA) Section 7 or Section 10 processes, the Project applicants will comply with any and all conditions, including preconstruction surveys that the USFWS may require for take of QCB pursuant to FESA.”

RO-6-30 The comment states it is unclear how an addition to the MSCP related to Quino checkerspot butterfly is relevant to mitigation for impacts to San Diego fairy shrimp. The comment further states Section 7 or 10 consultation should have been conducted prior to release of the DEIR or the 2019 Recirculation Package. In response, the addition to the MSCP related to the Quino checkerspot butterfly was a suggested take authorization that was proposed by the USFWS. Take for San Diego fairy shrimp was suggested to be folded into the amendment for the Quino checkerspot butterfly. Consultation with the wetland regulatory agencies typically occurs simultaneously with the certification of the FEIR or upon approval in order to have the most current impact information for the agencies. There is no authority to require that consultation or a Draft habitat conservation plan occurs before circulation of a Draft EIR. Case law allows for take consultation to occur after project approval (208 Cal App 4th 899, 172 Cal App 4th 603, 131 Cal App 4th 777, and 119 Cal App 4th 1261).

RO-6-31 The comment states the 2019 Recirculation Package fails to avoid or adequately mitigate for impacts to nesting migratory birds, including the burrowing owl. In response, the 2015 DEIR acknowledges the potential impact to burrowing owl even though the species has not been recorded onsite with recent surveys, including the 2016 Quino Checkerspot Butterfly survey that covered the entire site. The burrowing owl was recorded in 2000 (one individual) and not observed since then. Because of the concern for potential occurrence of the burrowing owl, mitigation measure M-BI-16 is included in the 2019 Recirculation Package, which states the following: “Prior to issuance of any land development permits, including clearing, grubbing, and grading permits, the applicant or its designee shall retain a County of San Diego (County)-approved biologist to conduct focused preconstruction surveys for burrowing owl during breeding or non-breeding season. The surveys shall be performed no earlier than 7 days prior to the commencement of any clearing, grubbing, or grading activities and will be repeated if there is a lapse of construction activity longer than 7 days. If occupied burrows are detected, the County-approved biologist shall prepare a plan that is consistent with the County of San Diego *Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County*. This strategy states that burrowing owls must be relocated out of the impact area using passive or active methodologies subject to review and approval by the Wildlife Agencies (i.e., California

Department of Fish and Wildlife and U.S. Fish and Wildlife Service) and the County. The plan includes burrowing owl relocation plans to avoid impacts from construction-related activities and may include construction of artificial burrows.” The plan will be prepared in coordination with the Wildlife Agencies and County and will include the most current scientific information available.

RO-6-32 This comment states that mitigation measures M-BI-11 and M-BI-16 do not meet legal muster under CEQA. In response, the Wildlife Agencies and the County have reviewed the requirements and plan for the nesting bird surveys and for addressing burrowing owls. Mitigation measures M-BI-11, 15, and 16 address pre-construction surveys for special-status species and migratory birds. A mitigation plan will be prepared if nesting birds are observed per M-BI-11; indirect impacts on California gnatcatcher and nesting birds including raptors are addressed per M-BI-16; and potential impacts on burrowing owl are addressed per M-BI-16 as discussed in RO-6-31.

RO-6-33 The comment states the 2019 Recirculation Package provides no explanation why a mitigation plan that applies if birds are encountered cannot be developed now. The comment also states the measures do not provide performance standards for the future mitigation. Pre-construction surveys such as those required by M-BI-11 and M-BI-16 are required depending on the timing of the impact and the results of the pre-construction surveys. If construction takes place outside of the breeding season or surveys are negative for breeding birds or burrowing owl, no plan is required. If nesting birds or burrowing owl is detected, then, per the mitigation measures, the following will be implemented for each specific measure. For M-BI-11, the requirement is: “If nesting birds are detected, a letter report if results are negative or mitigation plan if results are positive, as deemed appropriate by the County of San Diego, shall be prepared and include proposed measures to be implemented to ensure that disturbance of breeding activities are avoided. The report or mitigation plan shall be submitted to the County of San Diego for review and approval and implemented to the satisfaction of the Director of Planning and Development Services (or his/her designee).” For M-BI-16, the requirement is: “If occupied burrows are detected, the County-approved biologist shall prepare a plan that is consistent with the County of San Diego *Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County*. This strategy states that burrowing owls must be relocated out of the impact area using passive or active methodologies subject to review and approval by the Wildlife Agencies (i.e., California Department of Fish and Wildlife and U.S. Fish and Wildlife Service) and the County.” Performance standards will be included if necessary and as required by the County and Wildlife Agencies thus ensuring that mitigation is adequate. If required, the content of the County of San Diego Strategy for mitigating for impacts to burrowing owl would identify impacts, habitat, mitigation strategies, and success criteria based on the pre-construction survey results. Because the exact content of the plan cannot be known until such time that the preconstruction survey has been completed, the burrowing owl plan is not provided at this time and does not constitute deferred mitigation.

RO-6-34 The comment states the 2019 Recirculation Package fails to identify any mitigation for the loss of a large amount of burrowing owl habitat on the site. The comment further states the 2019 Recirculation Package should include mitigation required by the MSCP for burrowing owl and that the K6 area should be preserved. In response, burrowing owl has not been observed onsite

for a number of years (last detected in 2000) in spite of the surveys that have been conducted on the site that would have detected owls, including rare plant surveys and Quino checkerspot surveys. A pre-construction survey will be conducted per the mitigation measure. The mitigation for all MSCP species, including burrowing owl, in Otay Ranch is mitigated through preserve conveyance.

RO-6-35 The comment states the 2019 Recirculation Package lacks an adequate analysis of and mitigation for the proposed Project’s climate change impacts. The comment cites to federal and state case law addressing the subject of global climate change and cumulative impact analysis under CEQA. The comment does not identify any specific deficiency with respect to the analysis presented in the 2019 Recirculation Package; therefore, no further response is required.

RO-6-36 The comment states that “sprawling, auto-based development projects such as the Village 13 Project” are “sabotaging efforts to achieve the state’s climate change goals,” and references various sources regarding the percentage contribution of transportation to the national GHG emissions inventory. The comment also cites statements made by SANDAG’s executive director regarding the importance of VMT reduction in a non-Project-specific setting. The comment does not identify any specific deficiency with respect to the analysis presented in the 2019 Recirculation Package. More specifically, the comment does not identify any defined issue with respect to Section 2.10, Global Climate Change, and its assessment of the proposed Project’s potential to conflict with statewide goals for the reduction of GHG emissions, or Project consistency with SANDAG’s RTP/SCS. Therefore, no further response is required.

RO-6-37 The comment summarizes the significance conclusions rendered in Section 2.10, Global Climate Change, of the 2019 Recirculation Package and identifies four claimed deficiencies in that analysis. As the comment serves as an introduction to comments that follow, please see Response to Comment RO-6-38 through Response to Comment RO-6-65.

RO-6-38 The comment states that Section 2.10, Global Climate Change, of the 2019 Recirculation Package fails to estimate GHG emissions from explosive detonation and, therefore, underestimates proposed Project emissions. Using modeling inputs based on The Climate Registry emission factor and the 24 tons of ANFO (ammonium nitrate/fuel oil) assumed per blast (as stated in Section 2.2 of the 2015 DEIR), it was determined that GHG emissions would be 4.02 MT CO₂ per blast. Carried out across an estimated 125 days of blasting with one blast per day would result in roughly 503 MT CO₂ from blasting related to proposed Project construction.

Section 2.2 of the 2015 DEIR and Section 2.10 of the 2019 Recirculation Package, as well as the Global Climate Change Evaluation (Appendix C-2) have been updated to include this information. In addition, a new blasting memo has been included in this FEIR as Appendix C-24. However, these revisions do not constitute “significant new information” triggering recirculation under CEQA Section 15088.5. The quantity of blasting-related GHG emissions is equal to less than 1.5 percent of the total construction-related GHG emissions for the proposed Project and does not result in a new significant impact or substantial increase in severity of a previously identified significant impact. Further, all construction-related GHG emissions would be reduced to net zero through the implementation of mitigation measure M-GCC-7.

RO-6-39 The comment states that the operational emissions inventory data presented in Section 2.10, Global Climate Change, of the 2019 Recirculation Package was erroneously calculated using an “urban” setting in the California Emissions Estimator Model (CalEEMod) because the proposed Project “is clearly in a rural location.” The comment states that use of the “rural” setting would increase emissions. The County understands that the selection of the urban or rural input in CalEEMod affects the default vehicle trip length applied by the model. Here, it is appropriate to use the urban setting in CalEEMod because the proposed Project is part of the entire Otay Ranch development, which provides a mix of uses in a developed area. Nevertheless, the operational emissions presented in EIR Section 2.10 do not rely upon either the rural or urban CalEEMod defaults. As described in Section 4.3 of the Global Climate Change Evaluation (Appendix C-2 of the EIR), project-specific VMT was provided by Chen Ryan in their Transportation Demand Management Program Evaluation (Appendix A to Appendix C-2), which was based on information provided by SANDAG. This project-specific approach provides a more accurate estimate of VMT and therefore GHG emissions.

The commenter is correct in stating that CalEEMod assumes 10.2 percent of energy procured by SDG&E is from renewable resources. The default carbon intensity factors are based on data for SDG&E from 2009. According to the Renewables Portfolio Standard (RPS) Quarterly Report for the first quarter 2011, SDG&E had 10.2 percent renewable energy in 2009. These values were not updated in the most recent version of (CalEEMod 2016.3.2) used in the analysis. Therefore, it is appropriate to use a baseline of 10.2 percent renewables to calculate carbon intensity with further implementation of the RPS.

The comment also states that Section 2.10, Global Climate Change, of the 2019 Recirculation Package improperly assumes that SDG&E will comply with the RPS mandates enacted into law by SB 100, which requires that SDG&E procure 60 percent of its energy from renewable resources by 2030. In response, it is standard industry practice to estimate GHG emissions with an input parameter that reflects the local utility’s compliance with the RPS, the implementation of which is overseen and enforced by the California Energy Commission (see <https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard/renewables-portfolio-standard-2>). Assuming that 10.2 percent of SDG&E’s electricity is procured from renewable resources, as suggested by the commenter, is not reasonable. Indeed, as illustrated by SDG&E’s 2017 power content label (see https://www2.energy.ca.gov/pcl/labels/2017_labels/SDG_and_E_2017_PCL.pdf), 44 percent of its electricity was procured by SDG&E from renewable resources in 2017, demonstrating that the utility is on the trajectory to procure 60 percent of its electricity from renewable resources by 2030.

RO-6-40 The comment serves as a conclusion to statements regarding the underestimation of proposed Project emissions. Please see Response to Comment RO-6-38 and Response to Comment RO-6-39. Based on the County’s review of the information provided in response to the referenced comments, recirculation is not required by CEQA Guidelines Section 15088.5.

RO-6-41 The comment states that Section 2.10, Global Climate Change, of the 2019 Recirculation Package lacks evidentiary support regarding the effectiveness of carbon offsets as a form of mitigation to

reduce GHG emissions. The comment does not offer any specific critique; absent additional information, the commenter is referred to Global Response R1: Carbon Offsets.

RO-6-42 The comment states that the purchase of carbon offsets to mitigate GHG emissions “operates as a kind of mitigation fee” that must meet standards set forth in referenced CEQA case law. In response, mitigation measures M-GCC-7 and M-GCC-8 provide multiple criteria and performance standards designed to ensure that carbon offsets procured for the proposed Project, should it be approved, would be purchased from recognized, reputable carbon registries, and that the offsets meet enumerated standards designed to ensure the offsets are generated by projects and activities that effectively avoid, reduce, or sequester GHG emissions. Please also see Global Response R1: Carbon Offsets, which explains why the use of carbon offsets is a feasible and effective way to reduce GHG emissions under CEQA.

RO-6-43 The comment serves as an introduction to comments that follow regarding the commenter’s conclusion that the use of offsets in mitigation measures M-GCC-7 and M-GCC-8 is “flawed – and in violation of CEQA.” Please see Responses to Comments RO-6-44 through RO-6-55.

RO-6-44 The comment states that Section 2.10, Global Climate Change, of the 2019 Recirculation Package fails to provide sufficient evidence that mitigation measure M-GCC-8’s 30-year mitigation period is sufficient. In response, CEQA Guidelines Section 15064.4(a) requires a lead agency to make a “good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas [GHG] emissions resulting from a project.” Section 15064.4(c) further provides that a lead agency has the “discretion to select the model or methodology it considers most appropriate,” provided it supports its decision with substantial evidence.

Mitigation measure M-GCC-8 requires the proposed Project to purchase and retire carbon offsets in a quantity that is sufficient to reduce the proposed Project’s operational GHG emissions to net zero for a 30-year period. The County, as lead agency, has determined that a 30-year project life is the appropriate methodology for delineating the extent of the proposed Project’s GHG emissions inventory for purposes of mitigation measure M-GCC-8’s applicable mitigation period. Also, this discussion demonstrates that the use of 30-year project life is a methodological determination that is strongly supported on at least five grounds, each of which provides an independent basis for utilizing the subject analytic framework:

1. CARB, the state agency charged with the responsibility for and expertise to administer the State’s GHG emissions policies (Health & Saf. Code Section 38510), has approved the use of a 30-year project life when mitigating operational GHG emissions associated with land use development projects in furtherance of achieving a no net increase in GHG emissions levels. Specifically, when working with the California Department of Fish and Wildlife (CDFW) to evaluate the environmental impacts of the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP), which would facilitate the development of a large-scale, master-planned community in Los Angeles County, CARB determined that utilization of a 30-year mitigation period would enable the RMDP/SCP project to achieve net zero GHG

emissions.¹

A 30-year project life also has been used and approved by CARB to calculate offset requirements for qualified “leadership projects” under AB 900 (Pub. Resources Code Sections 21178 through 21189.3). To obtain certification as a “leadership project,” a project must, among other requirements, “not result in any net additional emission of [GHGs], including [GHG] emissions from employee transportation, as determined by CARB pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.” (Pub. Resources Code Section 21183(c).) As of this writing, all AB 900 projects submitted to CARB and the Governor for certification use a project life of 30 or fewer years when calculating GHG emissions reductions.²

2. The Project site is located in the San Diego Air Basin and is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD). However, the SDAPCD does not provide guidance on the subject of mitigation periods for GHG emissions. Therefore, reference was made to the guidance of the neighboring air district, the South Coast Air Quality Management District (SCAQMD), which supports using a 30-year project life to analyze a project’s GHG emissions under CEQA, as more fully explained below.³

SCAQMD generally authorizes the use of a 30-year project life to calculate GHG emission offsets in the CEQA mitigation context for land use development. More specifically, in conjunction with its development of GHG emissions significance thresholds for application in the CEQA context, SCAQMD identified a 30-year project life offset criterion after multiple stakeholder working group meetings. SCAQMD recommended this specific project life because: “... the 30-year life of credits is based on a standard 30-year economic life of a project (equipment, etc.) and the SCAQMD is looking at that time period as a default time period. Other shorter options, such as equipment permitted for a shorter time period, would be considered and evaluated on a project-by-project basis.”⁴

SCAQMD folded this 30-year project life into its recommendation for arriving at GHG emissions reduction measures, stating: “... the lead agency would quantify GHG emissions from the project and the project proponent would implement offsite

¹ See CDFW, *Final Additional Environmental Analysis for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan* (SCH No. 2000011025) (June 2017).

² The cited documentation for the referenced AB 900 projects is located at <http://www.opr.ca.gov/ceqa/california-jobs.html>.

³ SCAQMD is principally responsible for comprehensive air pollution control in the South Coast Air Basin, which includes portions of Los Angeles, Riverside and San Bernardino counties and all of Orange County.

⁴ SCAQMD, Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group Meeting #6 (October 22, 2008), p. 4; see also ICF International Technical Memorandum, Appendix B, Summaries of Working Group Meetings, Figure B-3, Proposed Tiered Decision Tree Approach, at p. B-10 (Jul. 30, 2008) [“Offsets provided for 30-year project life, unless project life limited by permit, lease, or other legally binding conditions.”].

mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level. In addition, the project proponent would be required to provide offsets for the life of the project, which is defined as 30 years.”⁵

In December 2008, SCAQMD’s Board adopted the staff-recommended interim GHG significance threshold for stationary source/industrial projects where the air district is the CEQA lead agency; that threshold uses a 30-year project life for modeling purposes and for determining required mitigation. SCAQMD’s Board was not asked to take final action on the significance evaluation framework developed by staff for residential and commercial projects, due to the need for further work efforts related to CARB’s then-pending interim GHG proposal. However, SCAQMD’s documentation does not discriminate between project type (industrial vs. residential/commercial) for purposes of delineating the project life criterion. Instead, like in the industrial/stationary source context, the mitigation offsets criterion for residential/commercial projects also applies to a 30-year project life.

3. A 30-year project life is widely used in CEQA documents by expert consultants and lead agencies—including San Diego County, the local land use agency with jurisdiction over the Project site—for analyzing a project’s GHG emissions under CEQA. It is industry practice to amortize construction emissions for residential and commercial projects over a 30-year period, which corresponds to the assumed operational life of such projects. This standard practice is not limited to the County of San Diego, but rather is used by lead agencies and expert consultants across California. Examples include:

Certified Final EIR for the Otay Ranch University Villages Project (SCH No. 2013071077; November 2014), Lead Agency: City of Chula Vista, GHG Consultant: Dudek, Global Climate Change Section at pages 5.14-21 and 5.14-24 (available at: <http://www.chulavistaca.gov/home/showdocument?id=8453>);

Draft EIR for the Qualcomm Stadium Reconstruction Project (SCH No. 2015061061; August 2015), Lead Agency: City of San Diego, GHG Consultant: AECOM, Greenhouse Gas Emissions Section at pages 4.5-14, 4.5-16 and 4.5-19 (available at: <https://www.sandiego.gov/sites/default/files/legacy/cip/pdf/stadiumeir/chap4.pdf>);

Certified Final EIR for the 333 La Cienega Boulevard Project (SCH No. 2016011061; September 2016), Lead Agency: City of Los Angeles, GHG Consultant: ESA, Initial

⁵ SCAQMD, Draft Guidance Document – Interim CEQA GHG Significance Threshold, Attachment E, pp. 3-16 (Oct. 2008); see also id., Figure 3-1, p. 3-11 and Table 3-4, pp. 3-18. Also of note, SCAQMD recognized that a shorter project life (i.e., less than 30 years) can be appropriate for use in modeling under certain circumstances. (See id., Figure B-3, pp. B-10.)

Study at pages B-42 to B-43 (available at: <http://planning.lacity.org/eir/333LaCienaga/files/Appendix%20A-1%20-%20Part%201%20Initial%20Study.pdf>);

Initial Study/Mitigated Negative Declaration for the Oakland Airport Perimeter Dike FEMA and Seismic Improvements Project (SCH No. 2015092045; September 2015), Lead Agency: Port of Oakland, GHG Consultant: URS, page 3-40 (available at: http://www.portofoakland.com/files/PDF/environment/Airport_Public_Draft_IS_MND.pdf);

Certified Final EIR for The Landing at Walnut Creek Apartments Project (SCH No. 2013092048; May 2014), Lead Agency: City of Walnut Creek, GHG Consultant: The Planning Center I DC&E (PlaceWorks), Greenhouse Gas Emissions Section at pages 4.7-14 and 4.7-15 (available at: <http://www.walnut-creek.org/home/showdocument?id=3000>); and

Certified Final Additional Environmental Analysis for the Newhall Ranch RMDP/SCP Project (SCH No. 2000011025, June 2017), Lead Agency: CDFW, GHG Consultants: Ascent Environmental, Inc. and Ramboll Environ, Global Climate Change/Greenhouse Gas Emissions Section at pages 2.1-20 through 2.1-22 (available at: <https://www.wildlife.ca.gov/regions/5/newhall>).

4. Executive Order (EO) S-3-05 established 2050 as the target year for an 80 percent reduction in statewide GHG emissions below 1990 levels. The regulatory framework needed to achieve this target requires transforming the State's transportation, energy, and industrial sectors. As such, the future GHG emission profiles for these sectors are not generally known. And, modeling emissions significantly beyond 2050 requires speculation about GHG emissions that are not knowable or known.

Here, the Project's mitigation period under mitigation measure M-GCC-8 is 30 years. Because the mitigation obligation is subject to phased implementation, based on the incremental portion of development associated with each Site Plan and its corresponding building permits, the mitigation period extends beyond 2050 for Site Plans with corresponding building permits that are issued later in the Project's construction schedule. For example, the anticipated build-out year of the project is 2030. If any building permits for implementing Site Plans are issued in 2030, the mitigation period for the associated buildings would extend to 2059.

Based on information provided above regarding regulatory input and modeling parameter limitations for post-2050 emissions estimates, a 30-year project life (that extends beyond the target year established by the referenced EO) has been established as the period of time for which GHG emissions can be reasonably estimated without undue speculation.

It also is noted that many of the Project’s on-site emission reduction strategies are part of the built environment and, therefore, expected to have long-lasting reduction effects. For example, M-GCC-4’s Zero Net Energy design requirement for the Project’s single-family residences would result in physical improvements and attributes of the building envelopes that are not readily changeable. Additionally, M-GCC-1’s Transportation Demand Management requirements would result in physical components to the Project development parameters (e.g., trails network), as well as educational, incentive and transportation programs administered for the life of the community by a Transportation Coordinator. Further, any carbon offsets secured pursuant to M-GCC-7 and M-GCC-8 would not necessarily be affiliated with GHG reduction projects that are expected to have expired effectiveness after a 30-year period. Rather, GHG reduction projects that generate offsets from forestry, livestock, methane capture and other projects reasonably would continue to be environmentally beneficial.

5. The modeling analysis likely overestimates the Project’s GHG emissions because the modeling does not take into account reasonably foreseeable regulatory programs and other governmental strategies and technological factors that likely would result in further reductions in GHG emissions levels throughout California that are needed to achieve the State’s 2030 and 2050 GHG reduction targets. Those future policies, regulations, and programs are not yet adopted and their precise parameters are unknown at this time.⁶ Because of these uncertainties, predicting, with quantified precision, key variables and inputs affecting long-range GHG emissions forecasts beyond the 30-year period requires speculation, contrary to CEQA Guidelines Section 15145. The inherent uncertainties are reflected in available GHG emissions modeling tools, which are limited to the integration of existing regulatory and technological standards.

In using the 30-year project life, the County recognizes that the residential and non-residential development facilitated by the Project could continue to exist for more than 30 years. During and after the 30-year project life period, the Project would be subject to a range of existing and future regulatory standards and policies applicable to the built environment. Indeed, California is expected to implement numerous additional policies, regulations and programs to reduce statewide emissions to achieve the GHG

⁶ CARB’s 2017 *Climate Change Scoping Plan* incorporates the “Cleaner Technology and Fuels Scenario” of CARB’s *Mobile Source Strategy* (May 2016), which is based on the assumption that the combined car and light trucks sales of zero emission vehicles and plug-in hybrid electric vehicles will reach 100 percent by 2050. (*Mobile Source Strategy*, p. 36.) On page 65 of the *Mobile Source Strategy*, CARB similarly observes that: “The updated Vision analysis shows the vast majority of the on-road fleet must be ZEVs and PHEVs by 2050 in order to meet GHG targets, requiring sales to achieve nearly 100 percent ZEVs (BEVs, FVCs, and PHEVs combined) by that point.” Therefore, CARB, with the contemplated amendment of its Advanced Clean Cars regulation described in the *Mobile Source Strategy*, is striving to ensure that 5.3 million combined ZEVs and PHEVs statewide are on California’s roadways in 2050. (*Mobile Source Strategy*, p. 65.)

The referenced “Vision analysis” is based on a multi-pollutant scenario planning tool that quantifies changes in criteria air pollutants (and their pre-cursors), GHG emissions, toxic air contaminants and petroleum usage as various technologies become widespread in vehicle and equipment fleets. (*Mobile Source Strategy*, p. 6.)

reduction goals of SB 32 and EO S-3-05. The County has exercised its discretion to determine that a 30-year project life is reasonable and supported by the substantial evidence discussed below.

Also of note, in a decision issued on December 19, 2018 (see *Friends of the Santa Clara River et al. v. County of Los Angeles* [Case No. BS 170568]), the Los Angeles County Superior Court found that a 30-year period for the mitigation of operational GHG emissions via carbon offsets is supported by substantial evidence. The Superior Court cited evidence in the record of proceedings before it concerning reasonable scientific limits; the parameters of available modeling tools; the changing regulatory structure and post-2050 uncertainties; and the use of the same temporal period by other expert agencies, including CARB and SCAQMD, as well as multiple CEQA lead agencies. The referenced decision is included in Attachment RO6.1 to these Responses to Comments. While the Superior Court's decision in that matter is not citable precedent in a legal context, was appealed, and is currently being considered by California's Second District Court of Appeal, Division Five (see Case No. B296547), the petitioners in that case have not challenged the Superior Court's decision relative to any GHG issues, including the 30-year mitigation period.

The Fourth District Court of Appeal's decision in *Sierra Club v. County of San Diego* (Case No. D075478) also affirmed the County's use of a 30-year period in the Supplemental EIR's carbon offsets mitigation measure for its Climate Action Plan, finding that the 30-year period was sufficiently disclosed in that EIR, including via citation to air district guidance.

In summary, and in accordance with the authority established by CEQA Guidelines Section 15064.4(a)(1), the choice of a 30-year project life is consistent with established modeling frameworks used in CEQA analysis and the available scientific and evidentiary information. Each of these five grounds independently substantiates the 30-year period set forth in mitigation measure M-GCC-8. They provide the substantial evidence needed for the County to develop project-specific methods in accordance with CEQA Guidelines Section 15064.4(a)(1). Given the use and endorsement of a 30-year project life method by multiple experts in the field (i.e., CARB, SCAQMD, the County of San Diego, and other lead agencies and GHG consultants), as well as the speculation required to estimate post-2050 GHG emissions and the embedded conservatism of the proposed Project's GHG emissions inventory data, the 30-year mitigation period is appropriate, reasonable, and supported by substantial evidence.

RO-6-45 The comment notes that the Newhall Ranch Greenhouse Gas Reduction Plan imposes a quantitative set of locational performance standards and states that use of out-of-County offsets violates the County of San Diego General Plan. The County acknowledges the California Department of Fish and Wildlife's use of quantitative locational performance standards in conjunction with the Newhall Ranch Project (see EIR Appendix C-27). However, the County also notes that neither CEQA nor State policy mandates the use of such quantitative benchmarks. Here, the geographic priority system set forth in mitigation measures M-GCC-7 and M-GCC-8 is designed to be consistent with the policy of maximizing localized co-benefits, where feasible. ~~The County also notes that the scale of the proposed Project is quite different from that of the Newhall Ranch Project, which calls for the development of more than 21,000 residential units~~

~~and more than 9 million square feet of non-residential uses. The variation in scale affects the ability of various reduction strategies to effectively reduce emissions and otherwise be deemed economically feasible. As shown in both mitigation measures, as updated in the Final EIR, the Project is required to geographically prioritize its reductions pursuant to the following hierarchy: (i) off-site, unincorporated County areas; (ii) off-site, incorporated County areas; (iii) off-site areas within California; and (iv) off-site areas within the United States; and, (v) off-site areas that are internationally located. The mitigation measures have been updated to prohibit the use of international offsets and~~ The Project is explicitly prohibited from using offsets from a lower priority category until it has been determined that offsets from a higher priority category are unavailable, based upon the findings of market survey reports with articulated content requirements or infeasible.

The County also notes that the scale of the proposed Project is quite different from that of the Newhall Ranch Project, which calls for the development of more than 21,000 residential units and more than 9 million square feet of non-residential uses. The variation in scale affects the ability of various reduction strategies to effectively reduce emissions and otherwise be deemed economically feasible.

As for the proposed Project’s consistency with General Plan Goal COS-20, please see Appendix E-1 (including Attachment A thereto) of the 2019 Recirculation Package and Global Response R1: Carbon Offsets. Appendix E-1 and the Global Response contain evidence and analysis supporting the conclusion that General Plan Goal COS-20 does not preclude the use of all available means to reduce GHG emissions, including out-of-County offsets.

RO-6-46 Citing provisions of the California Health & Safety Code, the comment states that mitigation measures M-GCC-7 and M-GCC-8 fail to require that any offsets be “additional.” The comment also states Section 2.10, Global Climate Change, of the 2019 Recirculation Package lacks standards sufficient to ensure that offsets are real, enforceable, additional, and otherwise consistent with CEQA’s mitigation requirements. In response, the County notes that—during the SB 97 rulemaking that culminated in the adoption of provisions in the CEQA Guidelines specific to GHG emissions—the California Natural Resources Agency and Governor’s Office of Planning & Research addressed the additionality of offsets within the CEQA context as follows:

“[E]mission reductions that occur without a project would not normally qualify as mitigation ... [T]his interpretation of the CEQA statute and case law is consistent with the Legislature’s directive in AB 32 that reductions relied on as part of a market-based compliance mechanism must be ‘in addition to any [GHG] emission reduction otherwise required by law or regulation, and any other [GHG] emission reduction that otherwise would occur.’ [citation omitted] While AB 32 and CEQA are separate statutes, the additionality concept may be applied analytically in the latter as follows: [GHG] emission reductions that are otherwise required by law or regulation would be appropriately considered part of the existing baseline ... Thus, ... the Natural Resources Agency has revised section 15126.4(c)(3) to state that mitigation includes: ‘Off-site

measures, including offsets that are not otherwise required, to mitigate a project's emissions.”⁷

As shown by this excerpt from the SB 97 rulemaking, the verbiage in CEQA Guidelines Section 15126.4(c)(3)—which is quoted in mitigation measures M-GCC-7 and M-GCC-8—was designed to be consistent with the commenter's interpretation of additionality. As such, carbon offsets purchased for the proposed Project pursuant to M-GCC-7 and M-GCC-8 would be additional because they are expressly required to be “not otherwise required” in accordance with the approach delineated by the California Natural Resources Agency and Governor's Office of Planning & Research when adopting the operative GHG provisions of the CEQA Guidelines. In any case, mitigation measures M-GCC-7 and M-GCC-8 have been updated in the Final EIR in order to eliminate any potential ambiguity on the subject, and now expressly require that offsets must be “additional” in order to be eligible for use under the mitigation framework.

Also of note, and in response to the comment's statement that the EIR “lacks evidence that there exist any offset programs capable of ensuring that offsets are ‘additional,’” in *Our Children's Earth Foundation v. CARB* (2015) 234 Cal.App.4th 870, 879-880, California's First District Court of Appeal recognized that additionality objectives were being achieved:

“[P]rotocols developed by the Climate Action Reserve (Reserve) employ a standards-based approach for ensuring additionality. The Reserve is a national nonprofit organization that (1) develops standards for evaluating, verifying and monitoring GHG emission inventories and reduction projects in North America; (2) issues offset credits for those projects; and (3) tracks offset credits over time ‘in a transparent, publicly-accessible system.’ A primary goal of the Reserve is to establish conservative GHG accounting which will ensure that GHG emission reductions are ‘real, permanent, additional, verifiable, and enforceable by contract.’ In formulating its standards-based protocols, the Reserve identifies types of emission reduction projects that are both subject to quantification and appropriate for assessment pursuant to performance-based additionality tests.”

For additional information regarding the proposed Project's use of offsets and their effectiveness at reducing GHG emissions, please see Global Response R1: Carbon Offsets.

RO-6-47 The comment states that the “identity of the registry selling an offset credit does not establish the quality of the credit or the protocol under which it was issued.” In response, the County notes that climate registries are focused on achieving environmental integrity because—even in the arena of “voluntary” offsets—principles of accountability and transparency drive the marketability of offsets. To this end, the Climate Action Reserve began as the California Climate Action Registry, which was created by the State of California in 2001 to address climate change through voluntary calculation and public reporting of emissions. The Reserve establishes high-quality standards for carbon offset projects, oversees independent third-party verification bodies,

⁷ California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97* (December 2009), pp. 88-89.

issues carbon credits generated from such projects, and tracks the transaction of credits over time in a transparent, publicly accessible system. Indeed, during rulemaking for the Cap-and-Trade Program, CARB stated: “Beginning in 2005, the Climate Action Reserve ... began adopting voluntary GHG accounting protocols to encourage early action to reduce GHG emissions. [C]ARB recognizes the rigor of the voluntary accounting procedures CAR adopted to establish that GHG emissions are real, additional, and permanent.”⁸ Verra and the American Carbon Registry are similarly multi-dimensional—the registries develop and administer programs for the creation, implementation and verification of offset projects.

Moreover, the updated carbon offsets mitigation measures contained in the Final EIR do not singularly establish the eligibility of carbon offsets based on the issuing registry. Instead, the mitigation measures have been augmented to establish additional performance standards and benchmarks for adequacy and effectiveness, and attach specific carbon offset protocols that are eligible for use under the measures. For more information on the effectiveness of carbon offsets, please see Global Response R1: Carbon Offsets.

RO-6-48 The comment states that the 2019 Recirculation Package “provides no indication whether there are a sufficient amount of GHG offset credits available” to meet the demand of the proposed Project and those of other projects in the San Diego region. As discussed in Global Response R1: Carbon Offsets, based on the County’s research, it believes that sufficient carbon offsets are available for use within the CEQA context.⁹ By way of example, ~~as of November 2017,~~ the Climate Action Reserve has ~~registered~~~~issued~~ more than ~~140~~~~100~~ million ~~metric tons of GHG reductions and retired more than 40 million~~ carbon offsets.¹⁰ The Climate Action Reserve found that Ohio (77 projects) and California (69 projects) leads the nation in the number of offset projects registered ~~(52) and the number of credits issued (22.5 million).~~¹¹ The American Climate Registry announced its issuance of more than 100 million carbon offsets ~~reached the same milestone~~ in August 2017,¹² and Verra has certified more than ~~1,600~~~~1,300~~ projects that have removed or reduced more than ~~450~~~~200~~ million metric tons of GHGs.¹³ Further, the development of offset projects is driven by market demand, which—at least in part—is influenced by

⁸ CARB, “Proposed Regulation to Implement the California Cap-and-Trade Program,” Part I, Volume I: Initial Statement of Reasons (October 2010) at II-48.

⁹ See, e.g., Unlocking Potential: State of the Voluntary Carbon Markets 2017, Ecosystem Marketplace, available at <https://www.cbd.int/financial/2017docs/carbonmarket2017.pdf>.

¹⁰ See Climate Action Reserve, “2019 Annual Report,” available at <https://www.climateactionreserve.org/about-us/#annualreports>. ~~<http://www.climateactionreserve.org/blog/2017/11/06/thank-you-for-helping-us-reach-100-million-metric-tons-of-ghg-emissions-reductions/> and <http://www.climateactionreserve.org/blog/2017/11/06/north-american-climate-action-shows-its-strength-and-impact-with-milestone-100-million-offset-credits-issued-by-a-california-carbon-market-pioneer/>.~~

¹¹ See Climate Action Reserve, “2019 Annual Report,” available at <https://www.climateactionreserve.org/about-us/#annualreports>. ~~<http://www.climateactionreserve.org/blog/2017/11/06/thank-you-for-helping-us-reach-100-million-metric-tons-of-ghg-emissions-reductions/>.~~

¹² See <https://americancarbonregistry.org/news-events/program-announcements/acr-reaches-milestone-issuance-of-100-million-tonnes-of-greenhouse-gas-emissions-reductions>.

¹³ See <http://verra.org/project/vcs-program/>.

California’s strong environmental protection policies. As such, offset project developers are expected to continue to pursue carbon reduction opportunities and technologies to meet demand.

Also of note, the proposed Project’s mitigation requires that proof of a sufficient offset quantity be provided *before* issuance of grading and building permits. Therefore, if offsets are not available, permits will not be issued, and proposed Project-related emissions will not occur.

RO-6-49 The comment cites to two articles in support of its conclusion that carbon offsets purchased from the voluntary marketplace, in lieu of compliance-based offsets issued under the Cap-and-Trade Program, are “unregulated” and of questionable effectiveness. In response, please see Global Response R1: Carbon Offsets regarding the protocols that are used to ensure the effectiveness of carbon offsets. As for the application of Cap-and-Trade Program standards, the carbon offsets purchased for the proposed Project would be from the voluntary marketplace because the proposed Project is not a regulated entity covered by and subject to CARB’s Cap-and-Trade Program. As for the proposed Project’s consistency with the General Plan, please see Appendix E-1 (including Attachment A thereto) of the 2019 Recirculation Package and Global Response R1: Carbon Offsets. Both documents contain evidence and analysis supporting the conclusion that the General Plan does not preclude the use of all available means to reduce GHG emissions, including out-of-County offsets. While the use of out-of-County offsets is not prohibited by the General Plan, it also is emphasized that the Project would result in in-County reductions. For example, the Project’s landscape and vegetation plans are estimated to result in the sequestration of approximately 3,799 MT CO₂e. Additionally, implementation of M-GCC-1 through M-GCC-5’s energy use and VMT reduction requirements is estimated to reduce approximately 5,166 MT CO₂e. (The on-site emission reduction values provided conservatively exclude anticipated reductions from M-GCC-6, which provides infrastructure-level support for the State’s zero emission vehicle deployment objectives, and M-GCC-9, as well as refinements and updates made to other mitigation measures [e.g., M-GCC-4 and M-GCC-5] following completion of the Project’s emissions modeling and calculations. As a result, the Project’s on-site emission reductions likely are understated at 15%.) Relatedly, as to mitigation measure CC-1.2 adopted in conjunction with approval of the County’s 2011 General Plan Update, that measure establishes a jurisdictional responsibility of the County to prepare a climate action plan and does not impose requirements on individual projects.

RO-6-50 The comment states that mitigation measure M-GCC-8 should be revised “to increase offsets if future events provide that the 2019 Recirculation Package’s emissions assumptions are too low,” and characterizes the measure’s existing “true-up provision” as a “lopsided standard.” In response, M-GCC-8 delineates a process whereby the proposed Project can request a modification to the GHG emissions mitigation burden should the regulatory or technological environment change; such modification would be considered by the County’s Board of Supervisors pursuant to a noticed public hearing process. Additionally, if such modification is requested, the proposed Project is required to demonstrate the continuing adequacy of modeling inputs used in the EIR that are not proposed to be altered as part of the “true-up” process, thereby ensuring a balanced re-quantification of all of the proposed Project’s emissions sources. The measure’s “true-up” parameters are designed to respect the finality of the CEQA process, absent the request for an additional discretionary entitlement or approval. The County also notes that,

as a general matter, it does not expect proposed Project-related GHG emissions to increase beyond those reported in the EIR for at least two reasons: (1) emissions modeling conducted for CEQA purposes often is based on a series of conservative inputs designed to assess impacts; and (2) regulatory and technical developments have continually trended towards more efficiency and fewer emissions. Given California’s role as a leader on the subject of global climate change, it is highly unlikely that the regulatory environment will become less rigorous or that the State will cease to be a hub for technological innovation.

RO-6-51 The comment reiterates the concern addressed in Response to Comment RO-6-50, and states that the EIR does not contain “any provisions for monitoring or recalculating actual emissions from the Project if it changes during final design or as it is built out.” In response, the environmental ramifications of proposed Project changes subject to a discretionary approval would be subject to evaluation in accordance with the relevant CEQA provisions (see, e.g., CEQA Guidelines Sections 15162 through 15164).

RO-6-52 The comment states M-GCC-7 and M-GCC-8’s approach of meeting the proposed Project’s GHG reduction requirements with the use of out-of-County offsets “simply allows the County to perpetuate sprawling land use development patterns.” The comment further states the approach to mitigation “allows in-County emissions to multiply while out-sourcing reductions to unreliable international offsets,” which the commenter characterizes as “violat[ing] both the letter and the spirit of CEQA (as well as the County’s General Plan).” In response, please refer to Global Response R1: Carbon Offsets, which discusses that CEQA authorizes a portfolio-type approach to the mitigation of GHG emissions, including the location of the emission reduction.

The DEIR would require the proposed Project to mitigate its GHG emissions through the development of a multi-pronged suite of onsite reductions strategies to the extent feasible; after exhausting feasible onsite opportunities, the DEIR mitigation provides for the use of carbon offsets subject to articulated performance standards for environmental integrity. This approach does not violate CEQA or conflict with the General Plan.

Further, as explained in Section 2.10 of the 2019 Recirculated Draft EIR, it must be emphasized that the Project does not propose or request an increase in residential density or non-residential intensity beyond that previously approved by the County in the Otay Ranch General Development Plan/Otay Subregional Plan (1993), which was incorporated into the County’s General Plan (2011) land use framework.

RO-6-53 The comment states that the 2019 Recirculation Package “fails to acknowledge, let alone evaluate, the precedent-setting nature of this offset program,” asserting that the approach recommended in this DEIR “will encourage other land use development projects in remote areas within the County, thereby further undermining the viability of the RTP/SCS to achieve its GHG reduction goals.” In response, proposed Project consistency with SANDAG’s RTP/SCS is addressed in Section 2.10, Global Climate Change, of the 2019 Recirculation Package. The comment offers no specific critique of that analysis, which describes the role of the proposed Project within the larger Otay Ranch planned community, of which it is apart. The analysis also discusses the proposed Project’s Transportation Demand Management (TDM) strategies, which do serve to reduce proposed Project-related VMT.

The general approach taken in the 2019 Recirculation Package accords to the recommendations set forth in CARB’s *California’s 2017 Climate Change Scoping Plan*: “[a]chieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” In that document, CARB recognized that a mitigation framework to achieve that objective may need to be diverse, and not just limited to one particular type of reduction activity.

RO-6-54 The comment states that the 2019 2019 Recirculation Package fails to consider whether the use of “offset credits will cause any significant environmental impacts.” In response, CEQA Guidelines Section 15126.4(a)(1)(D) states the following: “If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.” In this instance, and based on the type of information reasonably available at this time, the proposed Project’s utilization of carbon offsets—via implementation of mitigation measures M-GCC-7 and M-GCC-8—is not expected to result in one or more significant effects because carbon registries prioritize protocols for offset project types that can create significant co-benefits and avoid those with significant negative social and environmental impacts.

For example, as provided in Section 2.4.6 of its *Program Manual*, the Climate Action Reserve “requires project developers to demonstrate that their GHG projects will not undermine progress on other environmental issues such as air and water quality, endangered species and natural resource protection, and environmental justice.” (See *Program Manual* [November 12, 2019~~September~~ 1, 2015], available at <http://www.climateactionreserve.org/how/program/program-manual/>.) To ensure that such adverse effects are avoided, the Climate Action Reserve coordinates with government agencies and environmental representatives, requires project developers to demonstrate compliance with all applicable laws (including environmental regulations), and may include—within individual offset protocols—requirements specifically designed to serve as environmental and social safeguards. Other carbon registries recognized by the proposed Project’s mitigation framework deploy the same overall approach to environmental protectionism. In summary, the purpose of carbon offsets-generating projects is not to trade one environmental harm for another; rather, such projects are generated in compliance with applicable environmental regulations and laws, and strive to optimize environmental interests.

Also, the County disagrees that the failure to provide local co-benefits is an “impact” for purposes of CEQA. The proposed Project has adopted mitigation for the reduction of co-pollutants to the extent feasible; see Section 2.2, Air Quality, of the 2015 DEIR.

RO-6-55 The comment is a conclusion to those comments that preceded it. Please see Responses to Comments RO-6-43 through RO-6-54.

RO-6-56 The comment references ~~the pending~~ judicial proceedings concerning the County of San Diego’s Climate Action Plan (CAP) that was adopted in February 2018. The commenter states that the injunction issued by the San Diego County Superior Court in those proceedings precludes the

County from using carbon offsets here. In response, please see Global Response R2: County of San Diego Climate Action Plan. As discussed therein, the record evidence in these proceedings is distinguishable from that in the CAP proceedings. Additionally, the San Diego County Superior Court declined a request from the petitioners in the CAP proceedings to prohibit the County's further processing of General Plan Amendments and the County's use of carbon offsets generally. Instead, the Superior Court limited the decision to the County's CAP. Because the proposed Project does not use, rely on, or tier from the CAP and the mitigation measure at issue in that litigation, the County is able to continue processing its development applications and environmental review. It also is noted that the Project does not propose or request an increase in residential density or non-residential intensity beyond that previously approved by the County in the Otay Ranch General Development Plan/Otay Subregional Plan (1993), which was incorporated into the County's General Plan (2011) land use framework. As a result, and as explained in Section 2.10 of the 2019 Recirculated Draft EIR, the Project would not be required to achieve net zero GHG emissions in order to demonstrate that its GHG emissions are less than significant under the County's implementing framework for the CAP.

RO-6-57 The comment states that the conclusion that the proposed Project would support SANDAG's Sustainable Community Strategy "lacks evidentiary support." The comment then states that the proposed Project's increase in VMTs is caused by the proposed Project's remote location, which ensures the majority of residents will be forced to rely on automobiles.

In response, the proposed Project is located within, and proposes development consistent with, the Otay Ranch GDP/SRP approvals issued by the County of San Diego and City of Chula Vista in 1993, and does not require an amendment to the County General Plan to increase density or intensity. As such, development of the Project site is a long-planned component of the County's land use framework and has been factored into regional planning efforts.

In regard to the SCS, SANDAG uses a multi-faceted approach to achieve the CARB-adopted GHG reduction targets:

"Several components and strategies contribute toward SB 375 per capita greenhouse gas reductions from passenger vehicles. Approximately half of the reductions would result from the Regional Plan's investments in transit projects and their operations, managed lanes, active transportation projects, and TDM measures that support teleworking (i.e., working from home or telecommuting). About one-quarter of the reductions are estimated from changing land use and population characteristics, while another quarter are projected from increases in the cost of driving (auto operating costs)."¹⁴

In regard to the commenter's statement that "Chula Vista cannot be considered a major employment center by any stretch of the imagination," while Section 2.10 of the 2019 Recirculated Draft EIR does not use the phrase "major employment center," the County notes that the City of Chula Vista is an urbanized area and the second largest city in the region. Further,

¹⁴ See page 3 of Appendix C, Sustainable Communities Strategy Documentation and Related Information, of SANDAG's *San Diego Forward: The Regional Plan* (October 2015), available at http://www.sdfoward.com/pdfs/Final_PDFs/AppendixC.pdf.

based on SANDAG’s Series 13 Regional Growth Forecast projections, the number of jobs in the City of Chula Vista is projected to increase from 64,035 jobs in 2010, to 82,966 jobs in 2020, to 100,096 jobs in 2035, and to 114,435 jobs by 2050, for an average annual growth rate of 1.5 percent (the highest percentage growth rate in the region across all jurisdictions). (For supporting data, please see SANDAG’s agenda report available at https://www.sandag.org/uploads/projectid/projectid_503_19238.pdf.)

RO-6-58 The comment states that the 2019 Recirculation Package does not assess the proposed Project’s consistency with the SCS strategy to “invest in a transportation network that gives people transportation choices and reduces greenhouse gas emissions.” In response, the proposed Project consistency with that strategy is addressed through discussion of the proposed Project’s TDM strategies, which include (but are not limited to) enhancing travel routes for pedestrians and bicyclists and pursuing school transportation strategies that do not exclusively rely on single-occupant vehicle trips. The Otay Ranch GDP/SRP’s planning area encompasses land both within the unincorporated area of the County *and* within the City of Chula Vista. Based on the existing and projected employment levels within the City of Chula Vista, it is reasonable to anticipate that Project residents may work within that City and interact within land uses in the neighboring jurisdiction, helping to facilitate efficient transportation options and choices.

RO-6-59 The comment references the pending CAP judicial proceedings, and states that the San Diego County Superior Court invalidated the County’s EIR for the CAP because it “failed to adequately analyze the VMT impacts and resulting implications for the San Diego area’s SB 375 Planning and Goals.” In response, please refer to Global Response R2: County of San Diego Climate Action Plan. The proposed Project would not impair SANDAG’s attainment of its GHG reduction targets because it would achieve a net zero emissions level, and for the reasons discussed in Section 2.10, Global Climate Change, of the 2019 Recirculation Package. As for the proposed Project’s VMT impacts, please see the VMT analysis prepared by Chen Ryan, included as ~~Appendix E to Appendix C-2~~ Attachment RO-1.1 to these responses to comments.

RO-6-60 The comment serves as a conclusion to previous comments addressed in Responses to Comments RO-6-57 through RO-6-59. Based on those responses, the County has determined that the EIR does not need to be recirculated as no new significant impacts have been identified.

RO-6-61 The comment identifies 18 measures, which it characterizes as feasible, and recommends that the County adopt the measures to further reduce the proposed Project’s GHG emissions. The feasibility and applicability of each measure are assessed below.

Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation.

The County understands the commenter to be requesting the creation of a car sharing program and parking for car sharing vehicles near public transit infrastructure. However, there are no plans by MTS to extend transit service to Village 13, negating the effectiveness of providing a car sharing program within this Project site; please see the italicized “*Build or fund a transportation center...*” item below for information regarding the proximity of existing transit opportunities.

While on-site transit opportunities do not presently exist on the Project site, Alternative H includes mitigation measure M-GCC-1, which includes quarterly notification to residents regarding transit options and outreach to residents to participate in the SANDAG iCommute program. The iCommute program, matches commuters using their private vehicles with common employment centers and job locations, which is a transportation demand management strategy for this Project that is an effective alternative to car sharing. The Energy Conservation Plan includes EDCs 6.21 and 6.22 to implement a mobility hub and commute trip reduction marketing.

A car sharing program would typically locate its vehicles near areas where vehicular ownership and high cost of parking make car sharing program feasible. In San Diego County, car sharing programs (such as Zipcar) locate their vehicles in Downtown San Diego and university campuses. While creating and operating an individual car sharing program is not feasible for the proposed Project, the proposed Project is committed to provide a designated car sharing parking space should any of the car sharing companies decide to expand to the Project site.

Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems.

The City of Chula Vista is currently developing an NEV network, which will expand throughout the city. The current NEV network is focused around the Otay Ranch Town Center area and slow speed roadways. Due to the proposed Project location and the posted speed limit along Otay Lakes Road of 40–55 mph (west of the Project site), it would not be feasible to connect to the City of Chula Vista NEV network. Further, this technology is in the formative stage of development with limited examples of success in comparable developments to Alternative H. Thus, implementation of an NEV system is not feasible at this point for the proposed Project. In addition, Alternative H is designed to encouraged walking and cycling with a Village Core within a 10-minute walk and parks within a 5-minute walk from the majority of homes.

Build or fund a transportation center where various public transportation modes intersect.

The proposed Project will develop mobility hub features in the Village Core, which includes EV charging stations, ride hailing loading zones, designated micro mobility parking areas, bicycle parking areas for privately owned bicycles. Of note, the Project’s Village Core would be accessible on foot to the majority (80%) of the proposed residential units with an approximately 10-minute walk. This can be seen in the exhibit attached to this Response to Comment as Attachment RO6.2.

Should SANDAG or the San Diego Metropolitan Transit System (MTS) desire to expand transit services to the Project area, the mobility hub will serve as a central transit center for the proposed Project. In the meantime, the Project HOA will coordinate with ride-share services to provide discount codes for ride-share-pooled services such as Uber-pool or Lyft-pool to the Otay Ranch Town Center transit station for those using the ride-share-pool services during commute peak hour. The Otay Ranch Town Center transit station, which provides service to the Bus Rapid Transit line 225, a convenient BRT connection to Downtown San Diego, is located less than 4 miles from the Project site.

Provide public transit incentives such as free or low-cost monthly transit passes.

Subsidized transit passes and incentives are not proposed as part of the proposed Project because MTS has no planned transit services to the Project site. However, to discourage single occupancy vehicle trips, mitigation measure M-GCC-1 includes quarterly notification to residents regarding transit options and outreach to residents to participate in the SANDAG iCommute program. This program matches commuters with common employment centers and job locations so that they can car-pool to and from work. Additionally, please see above regarding the proposed Project's mobility hub and discount ride-share-pool services to the nearby Otay Ranch Town Center transit station.

Site buildings to take advantage of shade, prevailing winds, landscaping and sunscreens to reduce energy use.

Mitigation measure M-GCC-4 requires all single-family residential homes to be Zero Net Energy (ZNE), which includes a suite of design options to reduce and conserve energy consumption to achieve the requirements of Title 24, Part 6 of the California Code of Regulations. EDC UT-ED-18 uses passive solar design and building orientation to take advantage of winter sun for heating and to reduce heat gain and to reduce cooling needs during the summer. EDC UT-ED-19 uses vertical elements in landscaping to reduce energy needed for heating and cooling. Alternative H will comply with requirements in the Subdivision Map Act and California State Building Code to achieve energy savings in building siting and design.

Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.

Mitigation measure M-GCC-2 requires multi-family residential and non-residential buildings to use high efficiency interior lighting. Compliance with Title 24, Part 6 of the California Code of Regulations encourages the reduction of energy consumption through a suite of design options to the maximum extent practicable. In addition, Alternative H includes an Energy Conservation Plan, which includes requirements for energy efficient lighting and control systems.

Install light colors "cool" roofs, cool pavements, and strategically placed shade trees.

The use of energy efficient building materials and landscaping will be implemented as required by the County in the review of site development, building permits, and landscape plans. Alternative H utilizes best available practices to achieve State of California energy goals and implement ZNE residential and commercial buildings. The Specific Plan includes a landscape master plan that uses street streets and other landscape materials to address the heat island effect. High albedo paving materials are used where appropriate and available.

Provide information on energy management services for large energy users.

San Diego Gas and Electric (SDG&E) provides consumers with energy use data and programs to limit energy usage during high demand periods, such as time of use pricing to maximize the generation of energy from baseload renewable sources. The highest energy demand for Alternative H is the resort land use. The development of the resort shall include outreach to the public utility for education and information on energy management. The anticipated construction of the resort in 2030 would also require compliance with the State of California ZNE law.

Install energy efficient heating and cooling systems, appliances and equipment, and control systems.

Mitigation measures M-GCC-3 and M-GCC-4 require the installation of Energy Star appliances and ZNE homes to maximize energy efficiency. The Energy Conservation Plan includes EDCs 6.2, 6.3 and 6.4 to implement energy efficiency through the implementation of ZNE and a 10 percent greater building energy efficiency for multi-family and non-residential buildings.

Install light emitting diodes (“LEDs”) for traffic, street, and other outdoor lighting.

The Energy Conservation Plan includes EDC 6.8, which requires outdoor lighting to use LED or equivalent high efficiency lighting.

Limit the hours of operation of outdoor lighting.

A condition to use timers and photocells to control outdoor lighting shall be included as an Environmental Design Consideration to the extent it does not negatively impact public health, safety, and welfare.

Provide education on energy efficiency.

Mitigation measure M-GCC-1 includes providing information to new homeowners. The Energy Conservation Plan includes EDC 6.7, which requires all new homeowners to be provided information on energy efficiency, energy efficient lighting control systems, energy management ,and existing energy incentive programs. EDC UT-ED-17 requires all residential units to be part of the local utility demand response program to limit peak energy usage for cooling.

Install energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.

San Diego Gas and Electric (SDG&E) provides consumers with energy use data and programs, as well as information regarding rebates and time of use pricing. Energy efficient heating and cooling is a requirement of the State of California building code. The public utility is the appropriate and best positioned agency to educate its customers on the current state of incentives and rebates.

Use combined heat and power in appropriate applications.

The proposed Project is primarily a residential village with limited opportunities for shared heating and power systems. The largest commercial use (The Resort) will be developed as a unified development and has the greatest potential for a combined heat and power system. The resort will undergo a site development permit review process, at which time a combined heat and power system for the site can be explored further.

Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.

The Energy Conservation Plan includes EDC 6.13, which requires all landscaping to comply with the Model Water Efficient Landscape Ordinance. California Code of Regulations Title 23, Division 2, Chapter 2.7. The Water Conservation Plan includes additional Environmental Design Considerations to reduce water consumption.

Design buildings to be water-efficient. Install water-efficient fixtures and appliances.

Alternative H will comply with the State of California CALGreen building standards, which implement a suite of conservation measures. The Energy Conservation Plan includes EDC 6.9-14, which is related to indoor and outdoor water conservation measures.

Restrict the use of water for cleaning outdoor surfaces and vehicles.

Alternative H will include requirements to limit/eliminate the use of water for outdoor cleaning. This provides the dual benefit of conserving water and protecting the Lower Otay Reservoir. Alternate H will comply with current and future restrictions imposed by the County of San Diego regarding outdoor water use for non-landscape purposes.

Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff offsite can drastically reduce the need for energy-intensive imported water at the site.)

The Project site is adjacent to the Lower Otay Reservoir, a City of San Diego drinking water facility. The City requires that runoff from the Project site would not be impaired and would be treated before being discharged to the reservoir. The City also opposes the use of reclaimed water due to the potential to impact the water quality of the reservoir for potable water use. Due to the proximity to the Lower Otay Reservoir, a City of San Diego facility, the Project applicant has agreed to the request of the Public Utilities Department to direct all available runoff to the reservoir and not retain/reuse runoff onsite.

RO-6-62 The comment states the 2019 Recirculation Package fails to evaluate the proposed Project's cumulative climate change impacts. The comment summarizes the cumulative impact findings of Section 2.10, Global Climate Change, of the 2019 Recirculation Package, and states that the findings are not supported by evidence because "there is no evidence that the Project's proposed mitigation will be effective at all." Please refer to Responses to Comments RO-6-41 through RO-6-55 regarding the effectiveness of the proposed Project's mitigation for GHG emissions.

RO-6-63 The comment states that it is "imperative" that the EIR be revised to calculate and disclose the cumulative increase in GHG emissions from other projects recently approved or pending before the County. The comment specifically calls out the construction and operation emissions from Harmony Grove, Lilac Hills, Newland Sierra, Village 14, and the PSR GPA. In response, it is first noted that the Harmony Grove project approvals were ordered to be set aside by the San Diego County Superior Court in March 2020; the Lilac Hills project was denied by the County Board of Supervisors in June 2020; and the Newland Sierra project approvals have been un-done by a voter referendum that was placed on the March 2020 ballot. Additionally, CEQA Guidelines Section 15130(b) instructs that "[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great

detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness.”

It is not standard CEQA practice to quantify GHG emissions from related projects as part of the cumulative impact analysis. For example, unlike traffic models that are designed to capture traffic from other existing, planned, and proposed development, models for the estimation of GHG emissions are not similarly formulated. In addition, estimating emissions for multiple projects is not practicable in the setting of one individual project file as each project analysis is informed by project-specific inputs known to its environmental consultant. Endeavoring to replicate such efforts likely would result in discrepancies and confusion in the inventory results.

That being said, it is noted that many (if not all) of the referenced projects have committed to achieve a no net increase in GHG emissions, ensuring that—with mitigation—such projects would not result in a cumulatively considerable increase in GHG emissions and would not significantly impact the cumulative issue of global climate change. The GHG inventory information for the referenced projects is available on the County’s website in the individual EIRs for each project. However, the analysis used in Section 2.10, Global Climate Change, is consistent with approved standards of analysis.

As explained in Section 2.10 of the 2019 Recirculation Package, GHG emissions analysis, by its nature (and because of the science of global climate change), is oriented around the cumulative setting. Therefore, the significance determination rendered in Section 2.10 for the project-specific impact assessment is equally applicable to the cumulative-level impact assessment and is based on the Project change in the existing environmental conditions coupled with an assessment of plan-level consistency. In this instance, the proposed Project’s incremental contribution to the cumulative condition is not significant with mitigation because Project-related emissions will be reduced to a net zero emissions level.

RO-6-64 The comment expresses the same concern addressed above regarding the availability of carbon offsets in quantities sufficient to meet the demand expected from County-approved projects. Please see Response to Comment RO-6-48. For additional information, see Global Response R1: Carbon Offsets.;

RO-6-65 The comment states that the County “must quantify the increase in VMT and GHG emissions from all of the development projects currently being considered and analyze the effect of those cumulative increase[s] on the County’s ability to meet regional VMT and GHG reduction goals.” Please see Response to Comment RO-6-63. The DEIR focuses on the proposed Project’s incremental increase in GHG emissions and concludes that proposed Project impacts would not be cumulatively considerable with mitigation. This approach is consistent with CEQA.

RO-6-66 The comment states the 2019 Recirculation Package fails to analyze wildfire-related impacts and the proposed Project’s potential to expose people or structures to hazardous conditions. The comment further states the 2019 Recirculation Package lacks evidentiary support for its conclusion that impacts relating to the proposed Project’s potential to expose people to a significant risk of injury or death would be less than significant. The comment provides no

analysis or specific comments regarding the inadequacy of the wildfire-related impacts. No further response is provided.

RO-6-67 The comment restates information from the DEIR and the 2019 Recirculation Package regarding wildfire history and potential wildfire hazards. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

RO-6-68 The comment restates information from the DEIR and the Fire Protection Plan (Appendix D-21). The comment then states that the 2019 Recirculation Package's conclusions that measures identified in the DEIR would be sufficient to protect structures from wildfire hazards, and that impacts will be less than significant, lacks substantial evidentiary support. The comment also expresses concerns in relation to the 2017 and 2018 California wildfires, that the proposed Project would increase the risk of a major fire in the Project area and threaten persons, their homes, and native habitat biodiversity, and that these risks have not been adequately mitigated.

In response, wildfire hazard analyses were completed in accordance with County guidelines, and the FPP was reviewed and accepted by the San Diego County Fire Authority.

The DEIR provides substantial evidence to support the conclusion that the proposed Project would not expose people or structures to a significant risk of loss, injury, or death from wildland fires.

The wildfire hazards analysis for Alternative H is considered appropriate for the proposed Project, its fire environment, and anticipated wildfire behavior.

RO-6-69 The comment states the DEIR fails to address the impact of Project-ignited fires spreading to adjacent communities. In response, all proposed Project structures would be fully sprinklered to the applicable occupancy requirements (i.e., residential vs. multi-family vs commercial). The proposed Project would provide an onsite fire station, which would ensure the travel time is within 5 minutes. The proposed landscaping would prohibit highly flammable plant species, which would minimize the potential for wildfire embers to ignite fuels and spread through the community. Additionally, the perimeter fuel modification zones include 100-foot-wide zones (with mitigated exceptions). Also, the proposed Project's educational outreach program for fire awareness will include the importance of restricting certain activities during the periods where vegetation ignitions and spread have a higher probability of occurring (Red Flag Warning periods).

RO-6-70 The comment refers to reports prepared by REAX Engineering to "critique the Village 14 EIR" and are included as exhibits to the commenter's letter on the 2019 Recirculation Package. These comments were prepared for a different project and were not intended to comment on this DEIR; therefore, no further response is provided. The comment also includes text from the Fire Protection Plan (FPP) for Alternative H (Appendix D-21). The commenter then states the FPP does not acknowledge or analyze the threat to adjacent communities. In response, please refer to Responses to Comments RO-4-66, RO-4-80, and RO-4-81 for details regarding the FPP's provided features that not only minimize potential fire threat to the proposed Project but provide fire safety benefits for existing neighboring communities.

RO-6-71 The comment states the 2019 Recirculation Package does not acknowledge that the proposed Project would add “thousands of new residents to the wildland urban interface which would increase the potential for wildfire.” The comment also includes text from a REAX report that was prepared to critique Village 14, which is a separate project. In response, as stated in the Fire Protection Plan prepared for Alternative H (Appendix D-21) on page 21, “The wildland fire risk in the vicinity of the Alternative H Area has been analyzed according to San Diego County Guidelines for Determining Significance – Wildland Fire and Fire Protection (County of San Diego 2010). It has been determined that wildfires may occur in wildland areas that surround the Alternative H Area, but would not be significantly increased in frequency, duration, or size with the construction of the proposed Alternative H.”

RO-6-72 The comment states the 2019 Recirculation Package’s failure to evaluate the proposed Project’s potential to increase wildfire ignitions is a serious flaw. Please see Response to Comment RO-6-71.

RO-6-73 The comment states the 2019 Recirculation Package does not adequately analyze emergency evacuation impacts. In response, CEQA requires analysis whether a project will impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, not for an evacuation plan to be prepared. The DEIR adequately addresses this, as discussed in Section 2.6 of the DEIR (2015). In addition, the development is required to improve Otay Lakes Road to four lanes from Lake Crest Drive in the City of Chula Vista to the second project entry. Based on the factors and assumptions regarding neighborhood evacuation routes, and incorporating standard pre-evacuation timeframes, it is estimated the community can be evacuated west (the safest route thru a low to moderate wildland fire exposure rating) to urban Chula Vista within a conservatively calculated 1.5-hour travel time. The total evacuation time is approximately 2 to 2.5 hours, including a safety factor to allow for potential impedances/delays of an additional 30 to 60 minutes. For additional information, see Final EIR Global Response R5 – *Wildfire Protection and Evacuation*.

A Fire Protection Plan has been developed for the proposed Project and Alternative H and can be found in Appendices C-21 and D-21, respectively, of the Final EIR. Section 2.6.2.5 and Chapter 4.0 of the Final EIR also finds that the proposed Project and Alternative H would be compliant with all applicable fire codes, and would meet the emergency response objectives of the County General Plan. A WUI Plan will be prepared by the San Diego County Fire Authority specific to the Village 13 site and development footprint and will include information on evacuation of the Project site. See Responses to Comments RO-4-65 and RO-4-73 for additional details.

RO-6-74 The comment states an EIR should at least consider the number of cars attempting to evacuate the Project area, amount of time needed for full evacuation, acceptable time period, adequacy of primary evacuation route, and impacts to emergency personnel attempting to respond while an evacuation is underway. Please refer to Response to Comment RO-6-73.

RO-6-75 The comment refers to the “DEIR’s lackluster approach to wildfire evacuation” and also refers to a Griffin Cove Transportation Consulting report that evaluates the DEIR’s analysis. This

comment serves as an introduction to comments that follow. Please refer to Response to Comment RO-6-73.

RO-6-76 The comment refers to text in the Fire Protection Plan for Alternative H (Appendix D-21) regarding early evacuation. Please refer to Response to Comment RO-6-73.

RO-6-77 The comment states the 2019 Recirculation Package contains no analysis of the ability of the roadway system to accommodate evacuating traffic and omits an estimate of the number of proposed Project-related vehicles that would need to be accommodated. The comment restates information provided in a referenced report included as Exhibit 20 to the comment letter. Please see Response to Comment RO-6-73. In addition, ultimate public safety offices will control and direct traffic during an evacuation, including changing directions on lane control.

RO-6-78 The comment states the 2019 Recirculation Package fails to consider that non-Project vehicles will also be on area roads during an evacuation and that Otay Lakes Road would be a primary evacuation route for other communities. The comment also references the report included as Exhibit 20 to the comment letter. Please refer to Response to Comment RO-6-73.

RO-6-79 The comment states the 2019 Recirculation Package “fails to take into account that evacuation efforts would be thwarted due to extreme traffic congestion on Otay Lakes Road.” The comment also refers to the 2015 DEIR Traffic and Transportation Analysis, Section 2.9. Please refer to Response to Comment RO-6-73.

RO-6-80 The comment states the EIR fails to acknowledge or analyze numerous other factors that would likely occur during a wildfire evacuation, such as smoke, visible flames, and/or visibility issues and the emotional state of evacuees. The emotional state of evacuees is not a CEQA issue and therefore no further response is required. Please see Response to Comment RO-6-73.

RO-6-81 The comment refers to the 2012 Jamul/Dulzura Evacuation Final Study, which is included as Exhibit 21 to this comment letter. The comment also states the 2019 Recirculation Package’s “analysis of the fire evacuation risk is utterly deficient.”

In response, Alternative H meets all applicable fire code requirements for access including dead end road lengths and secondary access. In addition, Otay Lakes Road will be improved from an existing two-lane road to four travel lanes from City of Chula Vista to the proposed Project second roundabout. Roadside fuel modification zones will also be provided. Please see Response to Comment RO-6-73.

In regard to the Evacuation Route Study prepared by Fehr & Peers traffic consultants (2012) for Jamul/Dulzura, the study evaluated existing conditions and potential enhancements and new routes, ranking them based on a variety of attributes. The study did not contemplate the portion of Otay Lakes Road near the proposed Project as an evacuation corridor for Jamul/Dulzura due to its location, which would require residents of those communities to travel out of their way to access Otay Lakes Road.

RO-6-82 The comment provides a conclusion to evacuation-related comments RO-6-73 through RO-6-81 above. The comment also references a court case (*Sierra Club v. County of Fresno*) and states “the EIR fails as an information document.” See Response to Comment RO-6-73.

RO-6-83 The comment states the 2019 Recirculation Package’s analysis of the proposed Project’s impacts on water supply and water resources is inadequate. The comment also refers to the Water Supply and Verification Report (Appendix D-18) of the 2019 Recirculation Package. As stated in Appendix D-18, there is adequate water supply for Alternative H. Further, the Water Conservation Plan (Appendix VI to the Alternative H Specific Plan Amendment) and the DEIR (2015) and 2019 Recirculation Package contain water conservation measures that will be implemented by the proposed Project or any of its alternatives. The DEIR (2015) has adequately addressed all applicable significance criteria required by the County related to water supply impacts.

RO-6-84 The comment provides a summary of case law related to water supply. The comment also states that “the long-term nature of the Project does not excuse an adequate water supply analysis.” The County agrees. The Water Supply and Verification Report (Appendix D-18) provides an adequate analysis of Alternative H water demands and available supplies for this usage, based on best available data from the regional water agencies.

The impacts analyzed under CEQA related to water supply relate to the construction of new or expanded facilities, and the impacts related to the construction of those facilities. As disclosed in the 2015 DEIR, impacts related to water supply are less than significant. The proposed Project or any of its alternatives would receive water from a variety of regional water suppliers, one of which prepared a Water Supply and Verification Report for the proposed Project and Alternative H (Appendix C-8 and D-18, respectively). These regional water suppliers are responsible for securing water supplies within their jurisdiction. The proposed Project itself is not responsible for identifying water supplies for regional water suppliers and is therefore not required to identify potential impacts associated with those supplies. Further, the Water Supply and Verification Report (Appendix D-18) relied upon the available information at the time it was written, which included projections out to 2040. It would likely produce inaccurate projections for the proposed Project to attempt to project beyond this date.

RO-6-85 The comment states “limiting the water supply analysis to projections through 2040 is especially problematic given the growing evidence that climate change will cause severe droughts.” The comment also refers to Exhibit 25 to the comment letter, which provides an article that discusses anthropogenic warming and its effect on drought risk. Section 2.10, Global Climate Change, of the 2019 Recirculation Package discusses potential impacts to water supply as a result of climate change in Section 2.10.1.3. The County has also provided the Water Conservation Plan, Appendix VI to the Specific Plan Amendment, which outlines ways to reduce the proposed Project’s and Alternative H’s water consumption.

RO-6-86 The comment states the 2019 Recirculation Package must acknowledge the potential for long-term drought-induced deficits in California’s water supplies for the state, identify measures that could supply the water supply for the proposed Project, and evaluate the impacts of obtaining that new water supply. In response, the proposed Project itself is not responsible for negotiating

and securing its own water supplies; therefore, neither the 2015 DEIR nor the 2019 Recirculation Package needs to identify supplemental water sources under future drought conditions. This is the responsibility of the water purveying agency, as they are charged for providing water to those that fall within their jurisdiction. As stated in the Water Supply and Verification Report (Appendices C-18 and D-18), water demand from the proposed Project or its alternative can be met.

RO-6-87 The comment states that while the Water Supply Assessment and Verification describes existing and proposed water supply projects, it does not disclose the relationship between the water supply projects and the ability to meet the proposed Project’s water demands. In response, water supplies will be confirmed prior to occupancy of the proposed Project. It is responsibility of the water agencies to determine the appropriate allocations of water from various water supply projects and is not at the discretion of this proposed Project. The water agencies have determined that they have adequate supply for the proposed Project or any of its alternatives, as noted in the service availability letters from Otay Water District dated 7/25/2019 and 5/21/2018, included in Appendix D-19 of the 2019 Recirculation Package.

RO-6-88 The comment refers to text in the 2019 Recirculation Package and states that in order to obtain permanent imported water resources and supply service, the proposed Project would be required to annex into the Otay Water District, the Water Authority, and the MWD. The comment further states the 2019 Recirculation Package fails to disclose that the 2015 UWMP does not account for the proposed Project because the Project site is not within MWD’s boundaries. The comment also states the DEIR appears to have relied on the SANDAG forecast adopted in 2013. In response, the annexation of the proposed Project or any of its alternatives into Otay Water District’s service area would be required. Otay Water District has issued a service availability for water, signed most recently on July 24, 2019 (see Appendix C-19 and D-19). The 2015 DEIR relies on SANDAG forecasts from 2013 because that was the best available data at the time the document was written. That portion of the 2015 DEIR was not recirculated, and therefore it is still appropriate to rely upon this data.

RO-6-89 The comment states the 2019 Recirculation Package does not provide the required evidentiary support that the Water Authority has water supplies sufficient to serve the proposed Project. Please see Response to Comment RO-6-87.

RO-6-90 The commenter states the lack of certainty of future water supplies. The comment states the 2019 Recirculation Package likely overstates the amount of water supply that these agencies will have in future years. The commenter states that the San Diego County Water Authority and Metropolitan Water District have not updated their water supply documents. Water supplies will be confirmed prior to proposed Project occupancy. This is outside the purview of this project-specific analysis, which relies on the best available data at the time.

RO-6-91 The commenter comment states there is no assurance that the Carlsbad Desalination Plant will be a reliable source of water. The comment also states that Appendix D-18 of the 2019 Recirculation Package projects the desalination plant will provide up to 56,000-acre feet of water per year. In response, this is outside of the purview for this project-specific DEIR. It is the responsibility of the water-providing agencies to determine the specific allocations of water

supplies for individual areas. As stated in the Water Supply Assessment and Verification Reports for the proposed Project and Alternative H (Appendices C-18 and D-18, respectively), there is adequate water supply for the proposed Project and any of its alternatives. Determining the specific water mix or analyzing the effectiveness of a single source of water is not required.

RO-6-92 The commenter notes that the comment refers to discussion of the Otay Water District’s water supply development in the 2019 Recirculation Package. The comment then states the –“2019 Recirculation Package lacks evidentiary support that these water projects will be implemented or that, even if implemented, would generate sufficient water to meet the proposed Project’s water demand.” In response, while some specific water supply projects may be in the planning stage, the proposed Project can still contribute its financial fair share to the water supply projects. Planning for water supplies is part of the process that water agencies must go through in order to physically supply water to its constituents; therefore, it is not unreasonable that some water supply projects are still in the planning phase. The proposed Project will be in operation over the long term, so these planned water supplies may still be used and necessary later on in the proposed Project’s life cycle.

RO-6-93 The commenter states the 2019 Recirculation Package offers no data, or any other factual support, to show sufficient details on how the DEIR preparers arrived at the demand and supply projections. The comment further states these water supply data appear to be “entirely theoretical.” In response, water supplies and demand are projected out through 2040. Demand is calculated based on land uses of the proposed Project, as shown in Table 1, and supply is provided by water agency documents and projections. OWD has provided sufficient information in the WSA&V Report that adequate water supplies can serve the demands of the proposed Project or any of its alternatives.

RO-6-94 The commenter offers a summary of the previous statements and does not provide additional new information. Please see Responses to Comments RO-6-84 through RO-6-93.

RO-6-95 The commenter notes that the DEIR fails to analyze cumulative impacts associated with providing water for the proposed Project. In response, the 2015 DEIR analyzes potential cumulative impacts associated with water supply in Section 3.7.3.1. See Responses to Comments RO-6-83 through RO-6-93 for additional information.

RO-6-96 The comment states “even if the EIR were correct in its assessment that the project-specific water supply impacts would be less than significant, this does not excuse the EIR from identifying and analyzing cumulative water supply impacts.” In response, the 2015 DEIR analyzes potential cumulative impacts associated with water supply in Section 3.7.3.1. See Responses to Comments RO-6-83 through RO-6-93 for additional information. **RO-6-97** The comment states the EIR should first determine whether cumulative impacts to a resource are significant, and then determine whether the proposed Project’s impacts are cumulatively considerable. The comment then states the EIR failed to consider the proposed Project’s impacts in the context of the cumulative problem. In response, this comment addresses the cumulative impacts analysis provided in Section 3.7.3.1 of the 2015 DEIR. Section 3.7 of the DEIR was not recirculated for public review. As stated in the Recirculation Reader’s Guide, interested persons and organizations had an opportunity during the original public review period to submit comments

on the 2015 DEIR. Responses to comments on the 2015 DEIR are provided as part of this FEIR. Therefore, no further response is provided.

RO-6-98 The comment addresses the cumulative water supply impact analysis in the 2015 DEIR. Please see Response to Comment RO-6-97.

RO-6-99 The comment states a revised cumulative water supply analysis should be prepared and acknowledge development projects since the DEIR was published in 2015. In response, the baseline conditions from the 2015 DEIR would still remain the same. Therefore, the 2015 DEIR analysis regarding cumulative water supply impacts does not need to be updated or recirculated.

RO-6-100 The comment states the DEIR fails to adequately analyze or mitigate the proposed Project's energy impacts. The comment also provides introductory information on the transportation sector and states the number of trips generated by the proposed Project, provided in the DEIR (2015). This comment serves as an introduction to comments that follow. Therefore, no further response is provided.

RO-6-101 The commenter is comparing the amount of fuel consumption between Village 14 and Village 13. The comment states that "although the Project would result in a "massive increase in vehicular travel, the DEIR fails to identify the Project's gasoline and diesel consumption." The comment also compares the VMT for cars and trucks to Village 14. The impact of this assumption is analyzed in Section 2.10, Global Climate Change, of the 2019 Recirculation Package. This included a GHG emissions inventory and mitigation measures to reduce emissions to net zero. For additional details on comparing Villages 13 and 14, please see Responses to Comments RO-4-15, RO-4-16, and RO-4-60.

RO-6-102 The comment states the reasons identified in the EIR as to why the increase in fuel consumption would not result in an inefficient and wasteful use of a nonrenewable resource are "unavailing." The comment serves as an introduction to comments that follow. Please see Responses to Comments RO-6-103 through RO-6-107.

RO-6-103 The comment refers to Section 3.9 of the 2015 DEIR and states even if 20 percent of the proposed Project's trips would stay internal to the Project site, generation of 21,916 trips per day cannot be considered a project that uses energy efficiently. In response, this comment discusses the Section 3.9, Energy Use and Conservation of the 2015 DEIR, which was not recirculated and not included for public comment during this recirculation period. Further, the commenter references an incorrect number VMT per year (77 million VMT/year, rather than 68 million VMT per year, as stated in Section 3.9.2 of the DEIR). However, the 2015 DEIR and 2019 2019 Recirculation Package include mitigation measure M-GCC-1, which would reduce VMT, in addition to other energy consumption mitigation measures and the Energy Conservation Plan.

RO-6-104 The comment states the proposed Project includes design measures to enhance walkability;; however, they would have a nominal effect on VMT and fuel consumption. The comment also states a project location close to a major employment center and a comprehensive transit network would substantially reduce VMTs, but the DEIR does not disclose where most of the proposed Project's residents would be employed and there is no indication any transit exists in the area. In

response, since the original circulation of the 2015 DEIR, a new project alternative was developed, Alternative H. To help reduce VMT, Alternative H will develop a mobility hub, which includes EV charging stations, ride hailing loading zones, designated micro mobility parking areas, and privately owned bicycle parking areas. While transit services are not currently planned for the Project site, should SANDAG or the San Diego Metropolitan Transit System (MTS) desire to expand transit services to the Project area, the mobility hub will serve as a central transit center for the proposed Project. In the meantime, the Project HOA will coordinate with ride-share services to provide discount codes for ride-share-pooled services such as Uber-pool or Lyft-pool to the Otay Ranch Town Center transit station for those using the ride-share-pool services during commute peak hour. The Otay Ranch Town Center transit station, which provides service to the Bus Rapid Transit line 225, a convenient BRT connection to Downtown San Diego, is located less than 4 miles from the Project site.

RO-6-105 The comment cites part of the 2015 DEIR that was not recirculated, stating that CAFE standards cannot be relied upon. This portion of the DEIR was not revised or included in the 2019 Recirculation Package. Therefore, the DEIR relies upon the best available data at the time it was written and was originally released for public review. Further, the proposed Project is not responsible for increasing fuel efficiency standards

RO-6-106 This comment states the EIR offers no measures to reduce the proposed Project’s petroleum consumption, and “it epitomizes the definition of a wasteful use of energy, constituting a significant impact.” Please see Response to Comment RO-6-103.

RO-6-107 The comment states the DEIR must evaluate the feasibility of the following additional mitigation measures. Responses to each measure have been provided below.

Installing electric vehicle (EV) charging stations in the residential and commercial components of the Project.

Mitigation measure M-GCC-6 and Energy Conservation Plan EDC 6.15 require all residential garages to include a dedicated 208/240 branch circuit to facilitate the installation of zero emission vehicle charging infrastructure. Additionally, this same mitigation measure and EDC require the installation of: (i) one Level 2 EV charging station in the garage of 50 percent of all residential units; (ii) 10 Level 2 EV charging stations within the non-residential parking areas located on the Project site; and (iii) 10 Level 2 EV charging stations for vehicles utilizing public street parking spaces on street blocks located adjacent to non-residential development areas.

Provide preferential parking locations for EVs and compressed vehicles.

An additional requirement to provide on-street EV charging stations abutting non-residential areas has been included for Alternative H. The growth in electric vehicles in comparison to compressed gas vehicles justifies focusing solely on infrastructure for charging electric vehicles.

Implement parking cash-out program for non-driving employees.

Per the California Environmental Protection Agency Air Resources Board California’s Parking Cash-Out Program an Informational Guide for Employers (https://ww3.arb.ca.gov/planning/tsaq/cashout/cashout_guide_0809.pdf), a parking cash out is required per state law for all employers that employ at least 50 persons and subsidize employee parking that they don’t own (page 3). Since the proposed Project owns its onsite parking and is

not charging for employee parking, a parking cash out is not required. With that said, the proposed Project could encourage tenants to set up incentive programs for non-driving employees.

Implement a carpool/vanpool program.

As stated in the Transportation Demand Management (TDM) evaluation, which is available as a part of the 2019 Recirculation Package, the Home owners' Association will designate a transportation coordinator who will promote carpool / van pool opportunities as well as SANDAG's iCommute program to encourage carpooling to and from the Project site.

Provide subsidies or incentives to employees who use public transit or carpooling.

The Energy Conservation Plan includes EDCs 6.21 and 6.22 to implement ride-sharing and commute trip reduction marketing in lieu of cash incentives. Please see Response to Comment RO-4-104 above in regard to discounted ride-share-pool services during commute peak hour.

Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.

There is no immediate adjacent development or existing transit stops within the Project site; however, the site utilization plan identifies a future transit within the Village Core, should MTS determine a need for such stop. The Energy Conservation Plan includes EDC 6.18 to implement pedestrian access network to link uses and pedestrian facilities onsite.

Connect bicycle lanes/paths to city-wide network.

The Energy Conservation Plan includes EDC 6.20 to implement pedestrian and bicycle trails into the proposed Project. Alternative H will construct Class II bike lanes and a multi-use path along Otay Lakes Road, between the eastern Project limit and Wueste Road in the City of Chula Vista.

Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.

The Project site is not currently served by public transit. See Response to Comment RO-6-104.

Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees.

The Energy Conservation Plan includes EDC 6.21, which requires providing a website or message board for coordinating rides.

Provide shuttle service to food service establishments/commercial areas.

The Village Core/Mixed-Use area is centrally located and easily accessible by walking and biking (see exhibit Proximity of Homes to Parks, HOA Facility, and Village Core/Mixed-Use Area), which avoids the need for a shuttle service and the associated greenhouse gas emissions.

Provide shuttle service to transit stations/multimodal centers.

Please see Response to Comment RO-6-61 regarding the discounted ride-share-pool services that will be provided by the HOA to residents.

Implement home-based telecommunicating program, alternate work schedules, and satellite work centers.

As stated previously, the proposed Project and its alternatives will participate in the iCommute program. Alternate work schedules and telecommuting is not controlled by project, but rather the individual employers, so this is an infeasible solution. A satellite work center is not proposed as part of this proposed Project; however, homes will be well equipped to be used as home offices.

Construct renewable energy sources sufficient to offset the equivalent of 100% of all greenhouse gas emissions from mobile sources (internal combustion engines) for the entire Project.

EDC UT-ED-20 requires all single-family residential units to be designed to facilitate the installation of solar water heating, and EDC UT-ED-21 requires connections for the future installation of photovoltaic or other renewable energy source. Mitigation measure M-GCC-4 requires that all single-family homes be ZNE, and M-GCC-8 requires the proposed Project to offset all operational greenhouse gas emissions by the purchase and retire of carbon offset credits.

RO-6-108 The comment restates information presented in Section 2.2, Air Quality, of the 2015 DEIR, including information pertaining to the air basin’s criteria pollutant attainment status and information regarding the proposed Project’s criteria pollutant threshold exceedances as a result of construction and operational activities.¹⁵ After stating that the EIR “correctly concludes that these emissions would result in a significant impact to regional air quality,” the comment states that the analysis in the 2015 DEIR is insufficient because it does not explain the nature and magnitude of these long-term air quality effects.

The Air Quality Section of the 2015 DEIR was not recirculated for public review and comment as part of the 2019 Recirculation Package. Also, the County’s “Recirculation Readers Guide” specifically directed reviewers to “limit their comments to the revised chapters or portions of the recirculated EIR only” in accordance with the CEQA Guidelines Section 15088.5(f)(2). Nonetheless, the County responds to the subject comment below.

On December 24, 2018, more than 3 years after release of the 2015 DEIR, the California Supreme Court issued its decision in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 (hereinafter, the Friant Ranch decision). Of relevance to this comment, the Supreme Court held that an EIR should “relate the expected adverse air quality impacts to likely health consequences or explain in meaningful detail why it is not feasible at the time of drafting to provide such an analysis, so that the public may make informed decisions regarding the costs and benefits of the Project.” (Id. at p. 510.)

¹⁵ Of note, Section 2.2, Air Quality, of the Final EIR contains an additional mitigation measure that requires the use of architectural coatings meeting the requirements of South Coast Air Quality Management District Rule 1113. With implementation of this mitigation measure, VOC impacts during construction were reduced to below the screening-level thresholds. (See **Appendix C-27** of the Final EIR, which contains a copy of SRA’s *Construction-Related Architectural Coatings, Otay Ranch Village 13* technical memorandum.)

Also, further technical analysis was prepared for inclusion in the FEIR regarding the potential for impacts associated with CO emissions; that analysis concluded that no exceedances of the CO ambient air quality standards would result from the proposed Project. (See **Appendix C-26** of the Final EIR, which contains a copy of SRA’s *CO “Hot Spots” Analysis, Otay Ranch Village 13* technical memorandum.)

In response to this comment and in light of the Friant Ranch decision, an additional technical memorandum was prepared to address comments on the potential health effects from Project-related criteria pollutant emissions. This memorandum, titled *Health Effects of Criteria Pollutants, Otay Ranch Village 13*, is provided in Attachment A4.1 of the Responses to Comments. The memorandum concludes that no modeling tools presently are available that could provide reliable and meaningful additional information regarding the potential health effects of the proposed Project's criteria pollutant emissions or the proposed Project's potential to result in further nonattainment days. Notably, this conclusion is consistent with information reported in the 2015 DEIR. More specifically, as provided on pages 2.2-7 and 2.2-8 of Section 2.2, Air Quality, "The number of future daily exceedances of the CAAQS or NAAQS attributable to emissions from any singular project are difficult, if not impossible, to predict at this time because of the many variables influencing air pollutant concentrations (e.g., background concentrations, meteorology and weather patterns, effectiveness of regulatory programs, and availability of predictive computer models)."

For purposes of this response, it also is noted that the ambient concentration of criteria pollutants is a result of complex atmospheric chemistry and emissions of pollutant precursors and direct emissions. (NO_x and VOC are precursors to ozone, and NO_x, VOC, and SO_x are precursors to secondarily formed PM_{2.5}.) Chemical and physical processes transform some precursors to the criteria pollutant concentrations in the atmosphere. However, the calculation of ozone and secondary PM_{2.5} concentrations resulting from precursors is dependent on the spatial location of the criteria air pollutant emissions and how the emissions are dispersed in the atmosphere. Source apportionment, or the practice of deriving information about pollution sources and the amount they contribute to ambient air pollution levels, is also influenced by the meteorological conditions of the project location.

Notably, a specific mass of precursor emissions does not equate to an equivalent concentration of the resultant ozone or secondary particulate matter in that area. The resulting concentration of criteria pollutants is influenced by sunlight, other pollutants in the air, complex reactions, and transport. The dispersion is based on the meteorological conditions of the source (the project), local terrain (elevation profile), and the height and size of the source. The surrounding land use, wind direction, and wind speed will influence the location where the project emissions disperse. Meteorology, the presence of sunlight, and other complex chemical factors all combine to determine the ultimate concentration and location of ozone or particulate matter formed by emissions of precursors.

The resulting health effects are further based on a complex relationship of multiple variables and factors. The calculated health effects are dependent upon the concentrations of pollutants to which the receptors are exposed, the number and type of exposure pathways for a receptor, and the intake parameters for a receptor, which vary based upon age and sensitivity (i.e., presence of pre-existing conditions). Health effects would be more likely for individuals with greater susceptibility to exposures, and also dependent on the location of receptors relative to the project site impacts whether receptors are exposed to project-related pollutants.

Please refer to **Appendix C-26** for additional information regarding the health effects of criteria pollutants, the scientific complexities associated with the formation of ozone as a result of secondary pollutants, and the technical feasibility of correlating project emissions to specific health effects or numbers of nonattainment days.

RO-6-109 The commenter is raising issues with human health and exposure to pollutants. The County directs the commenter to see Response to Comment RO-6-108.

RO-6-110 The comment states that the 2015 DEIR failed to adequately analyze the proposed Project's potential to expose nearby sensitive receptors to substantial toxic air contaminant (TAC) emissions. In response, the Section 2.2, Air Quality, of the 2015 DEIR was not recirculated for public review and comment as part of the 2019 Recirculation Package. Also, the County's "Recirculation Readers Guide" specifically directed reviewers to "limit their comments to the revised chapters or portions of the recirculated EIR only" in accordance with CEQA Guidelines Section 15088.5(f)(2).

It is noted, however, that the 2015 DEIR provided a screening health risk assessment in Section 2.2 based on applicable guidance at the time of its preparation. The analysis presented in the DEIR evaluated impacts to offsite sensitive receptors during the duration of the construction period and concluded that impacts would be less than significant.

RO-6-111 The comment restates the significance findings presented in the 2015 DEIR as those findings pertain to TAC emissions and indicates that the analysis in the 2015 DEIR contained at least two flaws. This comment serves an introduction to comments that follow. Please see Responses to Comments RO-6-112 through RO-6-114.

RO-6-112 The comment states that the 2015 DEIR focuses exclusively on the toxic air contaminant (TAC) emissions during the proposed Project's construction phase, and that it failed to consider the TAC emissions that would be generated by the proposed Project's operational sources when considering health risk impacts. In response, Section 2.2, Air Quality, of the 2015 DEIR was not recirculated for public review and comment as part of the 2019 Recirculation Package. Also, the County's "Recirculation Readers Guide" specifically directed reviewers to "limit their comments to the revised chapters or portions of the recirculated EIR only" in accordance with the CEQA Guidelines Section 15088.5(f)(2). Nonetheless, the County responds to the subject comment below.

The analysis presented in the 2015 DEIR addressed the main source of diesel particulate emissions from the proposed Project: construction-related emissions from heavy-duty equipment and trucks. As discussed in Section 2.2.2.3 of the 2015 DEIR, the primary TAC for land development projects is diesel particulate matter. While the proposed Project would result in minor quantities of PM emissions from area sources and energy use, these sources of PM are not attributable to diesel-powered sources; it is therefore not appropriate to include the minor PM emissions from area sources and energy use in an analysis of impacts from diesel particulate emissions. Project operations also would result in minor amounts of diesel truck traffic due to deliveries; however, residential/mixed use projects such as the proposed Project do not generate substantial amounts of diesel particulate matter from operations.

Nevertheless, further technical analysis has been prepared in response to this comment. More specifically, a technical memorandum, titled *Health Risk Assessment for Construction and Operational Impacts, Otay Ranch Village 13*, is provided in Attachment RO6.3 of these Responses to Comments. This memorandum affirms the 2015 DEIR’s conclusion that health risk impacts attributable to the proposed Project would be less than significant.

RO-6-113 The comment states that the 2015 DEIR “relies on outdated health risk methodology and therefore understates” project impacts as a result of TAC emissions. As stated in Response to Comment RO-6-112, Section 2.2, Air Quality, was included in the 2019 Recirculation Package and a response is not required to this comment. The County notes, however, that the 2015 DEIR provided a screening health risk assessment in Section 2.2 based on applicable guidance at the time of its preparation. The County acknowledges that California’s Office of Environmental Health Hazard Assessment has updated its technical guidance since publication of the 2015 DEIR. The additional technical memorandum contained in Attachment RO6.3 utilizes the latest guidance and, as indicated above, affirms the 2015 DEIR’s conclusion that health risk impacts attributable to the proposed Project would be less than significant.

RO-6-114 The comment states “it is imperative that the EIR be revised to include a new Health Risk Assessment relying on current OEHHA guidance.” Please see Response to Comment RO-6-113 above for responsive information. As the additional analysis referenced therein affirms the significance findings of the 2015 DEIR, further consideration of mitigation measures or alternatives is not triggered by the results of the analysis.

RO-6-115 The comment states the DEIR’s analysis of the proposed Project’s alternatives is inadequate. The comment then provides a summary of case law related to alternatives analysis. The commenter further states that the 2019 Recirculation Package fails to comply with the provided mandate. In response, the comment does not provide a specific explanation of why the DEIR’s analysis of alternatives is inadequate. This comment serves as an introduction to comments that follow. Please see to Comments RO-6-116 through RO-6-123 below.

RO-6-116 This comment provides a summary of the CEQA Guidelines as they relate to alternatives analysis. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

RO-6-117 The comment states the 2019 Recirculation Package identifies significant and unavoidable proposed Project impacts for visual resources, air quality, and traffic. While impacts to aesthetics would remain significant and unavoidable for all proposed Project alternatives, all alternatives would have similar or less of an impact than the proposed Project due to reduced Project footprints. All alternatives (with the exception of Alternative B) would have less than or similar impacts related to air quality and traffic when compared to the proposed Project. The comment then states that except for the No Project Alternative, none of the alternatives would reduce any of these impacts to a less than significant level. The comment further states Alternative B would increase the proposed Project’s air quality and traffic impacts, and therefore does not contribute to a reasonable range of alternatives. While Alternative B may have greater impacts than the proposed Project for some resource areas, it has fewer impacts in others, such as global climate change. Therefore, Alternative B can still be considered part of a reasonable range of alternatives.

The 2019 Recirculation Package provides a reasonable range and discussion of alternatives for the proposed Project. Even omitting Alternative A, there are seven other Project alternatives analyzed in detail that reduce the proposed Project's environmental impacts.

RO-6-118 The comment states that the newly proposed Alternative H would be more environmentally damaging than the proposed Project. In response, the comment does not state why Alternative H would be more damaging. As discussed in Chapter 4.0 Project Alternatives of the 2019 Recirculation Package, Alternative H would have less than or similar impacts to the proposed Project for all issue areas.

RO-6-119 The commenter states that despite almost identical development footprints and similar amounts of conserved land, the 2019 Recirculation Package arrives at different conclusions for Alternative B and Alternative H. The comment further states the conclusions regarding Alternative H are based on a faulty analysis. In response, while the development footprints between Alternative H and Alternative B are similar, there are fundamental differences between the alternatives as summarized below and described in Chapter 4.0. Under Alternative B, Otay Lakes Road would be realigned through the middle of the Project site, while Alternative H retains the existing alignment with some minor adjustments. Alternative B includes a 141.5-acre golf course, while Alternative H does not include a golf course. Alternative B includes a much larger resort use compared to Alternative H (134.4 acres vs. 16.6 acres, respectively). Finally, Alternative B proposes 530 single-family homes and 1,408 multi-family homes, while Alternative H proposes 1,881 single-family homes and only 57 multi-family homes. The golf course and larger resort would lead to an increase in traffic noise, air quality, and global climate change impacts. Lands that are preserved in the Vernal Pool area and Thornmint preserve under Alternative H would be impacted by the resort and golf course under Alternative B, leading to greater impacts to biological resources. Therefore, it is reasonable and accurate to state that impacts to air quality, biological resources, noise, traffic, and global climate change would be less under Alternative H than Alternative B as the type of use must be considered in the analysis, not just the development footprint.

RO-6-120 The comment states that Alternative G is the Environmentally Superior Alternative and it meets the proposed Project's objectives. The comment also provides a summary of the CEQA Guidelines as they relate to alternatives analysis. This comment serves as an introduction to comments that follow. Please see to Comments RO-6-121 through RO-6-123.

RO-6-121 The comment provides a summary of Alternative G, provided in Chapter 4.0 of the 2019 Recirculation Package. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

RO-6-122 The comment states that only one alternative (Alternative G) would clearly lessen proposed Project impacts, although three impacts would remain significant and unavoidable. The comment then lists the proposed Project's objectives from the DEIR (2015). The County agrees that Alternative G is the environmentally superior alternative, as stated in Chapter 4.0 of the 2019 Recirculation Package. However, Alternative G would not include a public safety site or elementary school site, and Alternative G would reduce the number of dwelling units by 1,473. Alternative G includes only 465 single-family dwelling units and no multi-family units.

Alternative G would also provide only 4.3 acres of park space, while the proposed Project would provide 28.6 acres. Therefore, Alternative G does not meet the following Project Objectives:

- Create a prestigious destination resort that maximizes unique South County open space, high-terrain, and views of the reservoir within a distinct, predominantly single-family home community, and allow first-time buyers and others to transition to distinct, high-quality homes within Otay Ranch;
- Establish an executive-level, “specialty” housing enclave within Otay Ranch that attracts business owners and employers within both the Otay Ranch and Otay Mesa planned business parks, urban centers, and university uses, thereby providing this segment of the housing community with opportunities to live and work in South County;
- Create increased housing diversity within Otay Ranch by balancing higher densities associated with Otay Ranch’s multi-family development with lower density, predominantly single-family homes to ensure a balance of housing opportunities in South County, consistent with the Otay SRP;
- Ensure public facilities are provided in a timely manner and financed by the residents and occupants, and thereby ensure no adverse fiscal consequences to other neighboring communities within Otay Ranch;
- Relocate the Otay Ranch Village 15 elementary school site to the Otay Ranch Resort Village in order to create a neighborhood elementary school environment within the village core and thereby enhance the self-sufficiency of the Project’s land use plan;
- Provide a continuous public trail system through the community, with access to the resort, the village core, mixed-use area and surrounding trails, including the California Riding and Hiking Trail; and
- Provide for a neighborhood park system that provides a variety of active recreational opportunities within walking distance of all planned neighborhoods.

RO-6-123 The comment states that because Alternative G would achieve most, if not all, of the Project objectives, approval of the proposed Project or any alternative with greater impacts than Alternative G would violate CEQA. In response, as stated in RO-6-122 above, Alternative G does not meet seven of the 13 Project objectives. The County decision makers will decide which alternatives are feasible after taking into consideration Project objectives and specific economic, legal, social, technological, or other considerations, and ultimately select one for approval based upon the proposed Project’s Findings and Statement of Overriding Considerations.

RO-6-124 The comment states the DEIR (2015) must be recirculated. The comment also provides a summary of the CEQA Guidelines as they relate to recirculation. The comment does not provide an explanation why the DEIR should be recirculated; therefore, no further response is provided.

RO-6-125 The comment states the DEIR (2015) and 2019 Recirculation Package understate the proposed Project’s significant environmental impacts and the assumptions are flawed. The commenter does not provide specific examples of how the DEIR (2015) or 2019 Recirculation Package understate project impacts or contains ineffective mitigation measures. Therefore, no further response is provided.

RO-6-126 The comment states approval of the proposed Project would be inconsistent with the General Plan. The comment also provides a summary of the State Planning and Zoning Law (Gov. Code §65000 et seq.) and associated case law. In response, the comment does not provide an explanation of why approval of the proposed Project would be inconsistent with the County's General Plan. Therefore, no further response is provided.

RO-6-127 The comment states the General Plan requires all large-scale project requiring a general plan amendment to provide an affordable housing component. The comment also states the proposed Project would defy this provision because it promotes "executive housing" rather than affordable housing. However, this proposed Project site was designated in the 1993 Otay Ranch PEIR to include executive housing. The proposed Project is consistent with the General Plan and the Otay Ranch GDP/SRP, and the proposed General Plan Amendment is unrelated to density or intensity of land use. The proposed Project as originally envisioned, and as needed today, is designed to provide executive-level housing within the larger Otay Ranch community, so as to provide employers and others with an opportunity to reside in South San Diego County where their businesses are located. This reflects the need to maintain Otay Ranch as a balanced community, which has been impacted by an overall increase in multi-family housing and the loss of single-family homes in Village 15 due to its acquisition by a public agency for conservation. Further, several multi-family units will be located onsite, providing diversity to the housing mix within Village 13, and there is affordable housing throughout Otay Ranch.

RO-6-128 The comment states the Project proposes to amend the County General Plan by amending the Land Use Element, Mobility Element, Otay Subregional Plan, and Otay Ranch Resource Management Plan. The comment also states allowing "the Project to move forward without making any contribution to affordable housing would represent a missing opportunity for the County and its residents." In response, for clarification, the Otay Ranch Resource Management Plan is not a component of the County General Plan. This comment does not raise a specific issue regarding the adequacy of the 2019 Recirculation Package; therefore, no further response is provided. See Response to Comment RO-6-127.

RO-6-129 The comment states the County may not approve the proposed Project because it implicates inadequacies in the General Plan. The comment also provides a summary on case law associated with adequacy of general plan documents. The comment further states that the County's General Plan is deficient because it does not include an environmental justice element. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

RO-6-130 The comment provides a summary of SB 1000 and of the County's recent updates to its General Plan. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

RO-6-131 The comment further discusses affordable housing, environmental justice elements in general plans, and the deficit of affordable housing in San Diego. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

- RO-6-132** The comment states that the County cannot rely upon the authority of the General Plan to approve the proposed Project. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-133** The comment provides a concluding statement. The comment does not raise a specific issue regarding the adequacy of the 2019 Recirculation Package; therefore, no further response is provided here.
- RO-6-134** The comment provides a study prepared by Hamilton Biological, Inc., which was addressed in Response to Comment RO-6-9.
- RO-6-135** The comment provides a vernal pool recovery plan prepared by the USFWS. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-136** This comment provides an excerpt from the Village 14 EIR. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-137** The comment provides a news article about tailpipe pollution. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-138** The comment provides a news article about how San Diego should go about meeting state climate goals. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-139** The comment provides Calculation Details for CalEEMod. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-140** The comment provides the County of San Diego's General Plan Housing Element Background Report. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-141** The comment provides the City of San Diego Housing Inventory Annual Report. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-142** The comment provides a letter that reviews the greenhouse gas mitigation measures for Village 14. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-143** The comment provides a newspaper article about a lawsuit brought against the County of San Diego. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

- RO-6-144** The comment provides a study that investigates the Clean Development Mechanism. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-145** The comment provides a news article about carbon credits. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- TO-6-146** The comment provides California’s 2017 Climate Change Scoping Plan. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-147** The comment provides Minute Order from the County of San Diego Superior Court of California. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-148** The comment provides a letter that addresses proposed General Plan Amendments in the County of San Diego. The letter was submitted outside of any formal comment period for Village 13. The letter largely addresses the County’s General Plan, the overall County process and issues with other County EIR documents.
- RO-6-149** The comment provides a chapter from the County of San Diego’s Supplement to the 2011 General Plan Update Program EIR. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-150** The comment provides an article discussing carbon credits. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- TO-6-151** The comment provides a letter discussing the fire risks of Village 14. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-152** The comment provides a letter discussing the fire risks of Village 14. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-153** The comment provides a letter that reviews the Fire Protection Plan for Village 13. Please see Global Response R3: Structure Vulnerability and Ignition, as well as Responses to Comments RO-6-66 through RO-6-73.
- RO-6-154** The comment provides the Jamul/Dulzura Evacuation Route Study Final Report. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-155** The comment provides a report on California’s most significant droughts. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

- RO-6-156** The comment provides an article on California water records. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-157** The comment provides an article related to persistent drought and climate modeling. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-158** The comment provides an article on anthropogenic warming and its association with increased drought risk. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-159** The comment provides an article on anthropogenic warming and its association with increased drought risk. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-160** The comment provides a news article on drought. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-161** The comment provides a verified petition for writ of mandate from the County of Los Angeles Superior Court of California. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-162** The comment provides a report of the Carlsbad Desalination Plant. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-163** The comment provides the 2015 Urban Water Management Plan. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-164** The comment provides a section of the Newland Sierra Draft EIR. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-165** The comment provides a section of the Village 14 EIR. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-166** The comment provides the Safer Affordable Fuel-Efficient Vehicles Rule. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-6-167** The comment provides an article on the Trump Administration's attempt to repeal California's authority to regulate automobile greenhouse gas emissions. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

RO-6-168 The comment provides the Risk Assessment Guidelines for Air Toxics Hot Spots Program. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

RO-6-169 The comment provides a screenshot of the California Air Resources Board webpage. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.

RO-6-170 The comment provides an article on high-end housing in San Diego. The comment does not raise an issue regarding the adequacy of the environmental analysis; therefore, no further response is provided.